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AGENDAS/MINUTES OF THE
COMMITTEE OF THE WHOLE
CITY OF HAMILTON

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City of Hamilton

AGENDA

COMMITTEE OF THE WHOLE 03-015

Tuesday, May 20, 2003

9:30 a.m.

Council Chamber
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Kevin C. Christenson
City Clerk

Please note: All cellular telephones and pagers to be switched to a non-audible function during Council and Committee meetings.

Agenda available on-line at www.hamilton.ca
(click on "City Government")

1. DECLARATIONS OF INTEREST

2. ADOPTION OF MINUTES

2.1 April 30, 2003 (special meeting)
2.2 May 6, 2003

3. DELEGATION REQUESTS

None

4. CONSENT ITEMS

4.1 Heritage Permit Application (2003-009) - Installation of Mobile Sign - 5 Mill Street South, Waterdown (PD03112) (Ward 15)

4.2 Heritage Permit Application (2003-008) - Alterations to the former Century Theatre, 14 Mary Street, City of Hamilton (PD03111) (Ward 2)

4.3 To Incorporate Certain Land into Various Streets by By-law (PW03051) (Wards 2, 7, 8, 10, 12, 13 and 14)

4.4 Amendments to the Traffic By-law (PW03052) (City Wide)

4.5 Intersection Controls - fifty road Joint Venture Phase 2 (PW03053) (Ward 11)

4.6 Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (CIP) - 2003 Year End Report (ECO03009) (Wards 1-5)

4.7 Provision of Parking and Enforcement Services to St. Joseph's Healthcare for Mountain Health Services, 100 West 5th Street, Hamilton (City Wide) (PD03116)

4.8 Swimming Pool Enclosure By-law (PD03114) (City Wide)

4.9 Consultation Service to Generate Bids for Non-Parking Revenue at Various Municipal Car Parks (City Wide) (PD03115)

5. PRESENTATIONS

5.1 Commercial Property Improvement Grant Program (C.P.I.G.) Applications (PD03110) (Wards 1, 2, 3,4, 6, 7, 9, 13, 15)

12. PUBLIC HEALTH AND COMMUNITY SERVICES

12.1 2003 National Child Benefit Interim Strategy - July to December (SPH02016b) (City Wide)

13. PUBLIC WORKS

13.1 Tree Removal Request - Worsley road, Federal Stret, Red Oak Avenue and Hemlock Street (PW03049) (Ward 10)

13.2 Two-Way Left Turn Lane and Bicycle Lane Designation - Upper Paradise road and Upper James Street (PW03054) (Wards 7 and 8)

13.3 Waiver of Golf Green Fees - International Children's Games - June 4, 2003 - Canusa Games Association - July 11, 2003 (PW03055) (City Wide)

13.4 Capital Budget Appropriation Increase - Glanbrook Leachate Improvements (PW03059) (Ward 11)

14. JOINT DEPARTMENTAL REPORTS

14.1 Request for an Allocation of Renewal Funds from the Ministry of Transportation Ontario (PW03031/FCS03082) (City Wide)

15. REPORTS BY SUB-COMMITTEES

15.1 Report of the Animal Control Sub-Committee - Report 03-001, meeting of April 30, 2003

16. POLICE SERVICES BOARD

16.1 New Mountain Station - Fuel System Requirements (City Wide)

17. ITEMS DEFERRED AT PREVIOUS MEETING

17.1 Staff Follow-up Report respecting Closed Circuit Television (CCTV) (to be distributed)

17.2 Closed Circuit Television (CCTV) Community Consultation Update as submitted by Police Services Board

17.3 Harmonized Taxicab By-law (PD01120b)

18. REPORTS OF VOLUNTEER CO-ORDINATING COMMITTEES

18.1 Social and Public Health Volunteer Co-ordinating Committee (to be distributed)

19. ITEMS REFERRED BY CITY COUNCIL

None

20. MOTIONS

20.1 Review of the Requirement for Council Representation on Boards, Authorities and Advisory Committees

21. NOTICES OF MOTIONS

None

22. GENERAL INFORMATION

None

23. PRIVATE AND CONFIDENTIAL

None

24. REVIEW OF OUTSTANDING BUSINESS LIST (time permitting)

25. ADJOURNMENT

OUTSTANDING BUSINESS

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
A.	Report on Colliers Recommendations – HECFI Facilities	March 28/01	Public Works (Fleet and Facilities)		2002 - Q1
B.	Demolition of 226 Avondale Street	April 25/01	N/A		TABLED by Councillor Morelli
C.	Toll for Red Hill Creek Expressway	Nov 21/01	Public Works Corporate Services	Staff to bring a report back on option for tolling Red Hill Creek Expressway	Awaiting Provincial Regulations
D.	Strategy to attract Factory Outlet stores	Feb. 13/02/further updated on August 6/02	Economic Development	Staff to bring implementation plan to Committee	
E.	Pest Control	May 7/02	Planning and Development	Staff to report back on control of pests/rodents prior to demolition permit issued	June/03
F.	Hannon Post Office	May 7/02	Corporate Services	Staff to report back on possibility of address changes that align with telephone exchanges	
G.	Capital Program to modify mountable curb driveway approaches	July 2/02	Public Works	Three sections tabled pending public consultation	
H.	Uncovered crossovers on highways	August 6/02	Risk Management and Legal	Staff to bring report back on uncovered crossovers on highways	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
I.	Floating Casino - West Harbour	August 13/02	Legal Services	Staff to report back on feasibility of securing a casino license for floating casino	Nov./02
J.	Correspondence from Mr. Reginald Beaudry respecting Tree Species List	Council Communication of September 11, 2002	Public Works (Parks)	Staff to report back to Committee of the Whole as part of the Forestry Management Plan exercise	Q1- 2004
K.	Hamilton Future Fund	Sept. 10/02	Corporate Services	Staff to provide monthly reports to Council and Trustee Panel on the approved projects to assist in monitoring	Ongoing
L.	Services Review - City Maintenance Operations	Sept/10/02	City Manager	City Manager to provide ongoing and final reports to Council on behalf of the Services Review Committee	Ongoing
M.	Hamilton's Wastewater System	Sept. 17/02	Public Works	Staff to investigate possible partnership re: dredging of the Windemere basin, Updates	Q3 - 2003
N.	Subsection g) HMRF/HWRF Pension Administration Sub-Committee Report	Sept. 24/02	COW	Tabled pending delegation from Hamilton Police Association appearing at HSC	
O.	By-law to regulate postering of signs on public property	Sept. 17/02	Public Works and Corporate Services	Staff to prepare by-law to regulate	Q1 - 2004

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
P.	Community Care Access Centre - program pressures arising from enforcement of eligibility criteria	Nov/02	Public Health and Community Services	Staff to report back	
Q.	Joint Local Transfer Plan - CCCOSH	Nov 19/02	Planning and Development	Staff to report back with recommendations on areas of municipal flexibility by April 30th 2003	May 2003
R.	Indoor Soccer Facility	Dec 10/02	Public Health and Community Services	Staff to report back on EOI	
S.	MOU with YMCA	Dec 10/02	Public Health and Community Services	Staff to report back on any formal agreements	
T.	286 Sanford Avenue	Jan. 7/03		Tabled at Committee	
U.	Term Ending Report Card - 6 municipalities and Region	Feb 11/03	City Manager	Report back on implementation of recommendation	
V.	HAHPI	Mar.3/03 Budget	Planning and Development	Staff to report back with detailed Terms of Reference for the Housing Hamilton Innovations fund	Q2-2003
W.	Transit Service	March 3/03 Budget	Public Works	Staff to report back on transit service levels, public consultation of process for transit	Q4-2003
X.	Budget/Policy Consideration	March 3/03 Budget	Corporate Services	Staff to report back on accumulated debt	Capital Budget Workshop end of May

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
Y.	Future consulting costs	March 3/03 Budget	CMT	Staff to report back on all future consulting costs	
Z.	Shifting Gears	March 4/03	Public Works	Staff to report back on plan's implementation, outstanding issues, goals	Q3-2003
AA.	Land Application and Biosolids/Nutrient project	March 4/03 COW & April 9 HSC	Public Health/Public Works	Staff to report back on public health involvement; results and recommendations of final Master Plan	
BB.	Keys to Home - Housing Policy	March 4/03	Planning and Development	Staff to report back with draft plan by August 31/2003	
CC.	Retail Booths at City Hall and Municipal Service Centres	March 18/03	City Manager/Corporate Services	Staff to report back on concept	
DD.	Petitioning the Provincial Government re: assessment system	March 25/03	Corporate Services	Staff to report back re: plan	Report back in 5 weeks May 6/03
EE.	Severe Acute Respiratory Syndrome (SARS)	Apr. 1/03	Public Health	Staff to report to back on a regular basis the city resources expended	Ongoing
FF.	Policy to permit staff to go onto private property	April 1/03	Public works/Planning / Legal	Staff to formulate policy	Q1-2004
GG.	Plan for Contingency Fund	April 1/03	Corporate Services	Staff to formulate policy	2004 Budget
HH.	DARTS contractual compliance with approved budget and trip delivery	April 15/03	Public Works	Ongoing	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
II.	2003 Municipal Election Advance, Special Advance and Institutional Voting	April 15, 2003	Finance and Corporate Services	Report back in one month on comparisons	June/03
JJ.	Insurance Riders - Patios	April 15, 2003	Finance and Corporate Services	Staff to report back on required rider	
KK.	Commonwealth Games Host City Contract/ multi-party agreement with the Government of Canada and the Government of Ontario/ "2010 Games Office"	April 30, 2003		Staff to report back	

SECTION 2

2.1

Committee of the Whole
MINUTES
4:30 p.m.
Wednesday, April 30, 2003
Council Chambers
Hamilton City Hall
71 Main Street West, Hamilton

Present:	Mayor R. Wade Deputy Mayor D. Mitchell Councillors Bain, D. Braden, M. Caplan, C. Collins, F. D'Amico, L. Dilanni, M. Ferguson, T. Jackson, A. Horwath, B. Kelly, M. McCarthy, S. Merulla, B. Morelli, R. Powers

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR CONSIDERATION:

1. City of Hamilton Support for the 2010 Commonwealth Games Bid (CM03015) - (City Wide)

a) That Council, having approved the City's participation in both the domestic and international bid phases, endorse and support the Hamilton 2010 Commonwealth Games Bid Corporation's Bid for the 2010 Games;

b) That, contingent upon the Hamilton 2010 Commonwealth Games Bid Corporation winning the bid, that funding of up to $80 million to the Games Organizing Committee (also referred to as the "Host Society") be approved, and that staff be directed to prepare the associated financing plan for Council's consideration as part of the 2004 – 2013 Capital Budget & Forecast;

c) That the $80 million be expended upon a combination of capital projects and operating expenses to provide the necessary infrastructure projects and to support the work of the Games Organizing Committee, over the period of January 2004 to July 2011;

d) That the funding partners agree that the budget is based on 2003 dollars and any inflationary increases be considered by all partners as required;

e) That Council consider establishing a "2010 Games Office" under the City Manager's Office, to manage the City's participation in the work of the Games Organizing Committee, and be the liaison between the City and the Games Organizing Committee and that staff report back with respect to the details and financing of this program;

f) That Council authorize the Mayor and City Manager, as their representatives on the Hamilton 2010 Bid Corporation, to negotiate the City's interests in the Host City Contract, and report back to Council for approval;

g) That Council authorize the Mayor and City Manager to negotiate the City's interests in the multi-party agreement with the Government of Canada and the Government of Ontario, and report back to Council for approval;

h) That Council authorize the Mayor and City Manager to negotiate, during transition planning from a Bid Corporation to an Organizing Committee, the City's representation on the Board of Directors, Executive Members, and/or Officers of the Games Organizing Committee;

i) That Council endorse the Hamilton 2010 Commonwealth Games Bid Corporation's intent to include a new stadium in the international bid book versus the renovation of Ivor Wynne Stadium, subject to confirmation of funding from all funding partners including the Federal and Provincial governments;

j) That the report entitled "Hamilton 2010 Commonwealth Games Stadium Land Use Review, Final Report", as per Appendix "A" and "B", dated April 2003 and prepared by Urban Strategies Inc., be received;

k) That the short list of potential stadium sites, as recommended in the report identified in recommendation "(j)", being:

- Precinct 1: West Harbourfront Precinct
- Precinct 2: East End Gateway – Confederation Park
- Precinct 3: Greenfield Precinct–Nash Neighbourhood/East Stoney Creek Mountain

be endorsed by Council for inclusion in the international bid book submission subject to the following conditions:

1. That upon successfully being awarded the bid, a detailed analysis of all short listed sites be undertaken consistent with the Strategic Environmental Assessment Document for the Commonwealth Games, City policies and a public consultation program;
2. That upon successfully being awarded the bid, Council approve a preferred location for the stadium based on the analysis identified in condition "(1.)" above;

l) That for the purpose of the internal bid book submission, Council endorse the request of the Hamilton 2010 Commonwealth Games Bid Corporation to include, in the bid book, (as a sample), more detailed graphics and plans for Precinct 1, with the understanding that all three precincts remain potential sites and consistent with conditions set out in recommendation "(k)" above.

m) That this item, Commonwealth Games Stadium Site Selection, be removed from the Outstanding Business from Committee of the Whole List. CARRIED.

FOR THE INFORMATION OF COUNCIL:

(a) DECLARATION OF INTEREST

None

(b) PRESENTATIONS

The following addressed the Committee:
Jagoda Pike, Chairman of the Bid Committee
Dr. Peter George, President, McMaster University
Bob Robertson, City Manager
Bob McMann, McMann and Associates
Domenic Lunardo, Director, Fleet and Facilities
Joe Berridge, Urban Strategies
Dr. Gene Sutton, Pan Am Games 2003
Therese Quigley, McMaster University
Karen O'Neill, CEO Commonwealth Games Canada

(c) **City of Hamilton Support for the 2010 Commonwealth Games Bid**
CARRIED on a Recorded Vote as follows:

Yeas:	Mayor Wade, Councillors Morelli, D'Amico, Dilanni, Ferguson, Jackson, Kelly, Powers
Total:	8
Nays:	Councillors Braden, McCarthy, Mitchell
Total:	3

The committee adjourned at 7:12 p.m.

Respectfully submitted,

Mayor R. Wade

R. Caterini, Deputy Clerk
M. Gallagher, Co-ordinator
April 30, 2003

2.2

Committee of the Whole
MINUTES
9:30 a.m.
Tuesday, May 6, 2003
Council Chambers
Hamilton City Hall
71 Main Street West, Hamilton

Present:	Mayor R. Wade Deputy Mayor B. Morelli Councillors A. Bain, D. Braden, M. Caplan, C. Collins, F. D'Amico, L. Dilanni, M. Ferguson, T. Jackson, A. Horwath, B. Kelly, D. Mitchell, S. Merulla, M. McCarthy, R. Powers
Also Present:	B. Robertson, City Manager J. Rinaldo, General Manager, Finance and Corporate Services P. Crockett, General Manager, Public Works G. Peace, General Manager, Emergency Services N. Everson, Executive Director, Economic Development J. Priel, General Manager, Public Health and Community Services L. Coveyduck, General Manager, Planning and Development C. Graham, General Manager, Human Resources K. Christenson, City Clerk M. Gallagher, Co-ordinator, Council/Committee of the Whole

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR CONSIDERATION:

1. **Monthly Status Report of Tenders and Requests for Proposals for March 2003 (FCS03053(b) (City Wide) (Item 4.1)**

   That the Monthly Status Report of Tenders and Requests for Proposals for March 2003 as set out in Appendix 'A' to Report FCS03053(b) be received for information. **CARRIED.**

2. **Glanbrook Landfill Co-ordinating Committee November, January and February Proceedings (PW03046) (Ward 11) (Item 4.2)**

   (a) That the meeting notes of the November 25, 2002, January 27, 2003, and February 24, 2003 meetings of the Glanbrook Landfill Co-ordinating Committee be received.

   (b) That staff continue to work with the Committee on the co-ordination of issues regarding landfill operations. **CARRIED**

3. **Waste Reduction Task Force Minutes (PW03034) (City Wide) (Item 4.3)**

   (a) That the meeting notes of the March 19, 2003 meeting of the Waste Reduction Task force be received, and

   (b) That Staff continue to work with the Task Force to co-ordinate the implementation of the City's Solid Waste Management Master Plan (SWMMP). **CARRIED**

4. **Intersection Control - East Street North at King Street East (PW03043) (Ward 13) (Item 4.4)**

   (a) That the "East Street North" and "King Street East" intersection be changed from a "two way" stop control to an "all way" stop control.

   (b) That the by-law outlined in Report PW03043 as Appendix A to amend City of Hamilton Traffic By-law 01-215 be passed and enacted. **CARRIED**

5. **Intersection Control - Gage Avenue North and Beechwood Avenue (PW03042) (Ward 3) (Item 4.5)**

   (a) That an All-Way Stop Control be implemented at the intersection of Gage Avenue North and Beechwood Avenue;

   (b) That the appropriate By-law be passed and enacted.

   CARRIED as AMENDED

   Councillor M. Caplan Opposed

6. **Request to Remove the Eastbound "No Right Turn" Regulation on Delawana Drive at Eastgate Square (PW03038) (Ward 5) (Item 4.6)**

(a) That the existing eastbound "No Right Turn" regulation on Delawana Drive at Eastgate Square be removed;

(b) That the by-law outlined in Report PW03038 as Appendix "A" to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted. **CARRIED**

7. **Amendment to Road Alteration By-law - Guise Street from Bay Street/Leander Drive to Catharine Street (TOE02139(b) (Ward 2) (Item 4.7)**

That a by-law to amend By-Law 02-343 (To Alter Guise Street between Bay Street/Leander Drive and Catharine Street), in the form attached to Report TOE02139B, be passed and enacted. **CARRIED**

8. **Declaration of Surplus Property, Part 25 on Plan 62R-15125 Vacant Lands Adjacent to CN Railway Right of Way (PD03101) (Ward 4) (Item 4.8)**

(a) That the City owned vacant industrial lands being Part of Lot 18 on Registered Plan 308, designated as Part 25 on Plan 62R-15125 be declared surplus to the requirement of the City of Hamilton in accordance with the City of Hamilton Real Property Sale Procedural By-Law 95-049.

(b) That the Real Estate Section and Property Management Section be authorized and directed to sell the subject property in accordance with the Real Property Sale Procedural By-Law 95-049 and Item 21 of Report 01-029 of the Committee of the Whole approved by City Council on September 18, 2001 approving the Consolidation of Routine Real Estate Matters.

(c) That the net proceeds of sale be used first to help offset any shortfall in achieving the $1 million program reduction in Real Estate to realize operating cost reductions and, if not required, be contributed to the Reserve for Property Purchases. **CARRIED**

9. **Stoney Creek Business Improvement Area (B.I.A.) Revised Board of Management (PD03099) (Ward 9) (Item 4.9)**

That the following individuals be appointed to the Stoney Creek B.I.A.'s Board of Management:

Paul Pacifici, Village Green Denture Clinic, 8 King Street East

Verne LaPlante, La Bamba, 25 King Street East, Unit #4 **CARRIED**

10. Stoney Creek Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2003 (PD03098) (Affects Ward 9) (Item 4.10)

(a) That the 2003 operating budget for the Stoney Creek B.I.A. attached as Appendix 'A' to Report PD03098 be approved in the amount of $18,618;

(b) That the 2003 levy portion of the operating budget for the Stoney Creek B.I.A. in the amount of $7,618 be approved;

(c) That the General Manager of Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, the Municipal Act, 2001, to levy the 2003 budget as referenced in (b) above;

(d) That the following schedule of payments for 2003 be approved:

May	$3,809
September	$3,809

Note: 2002 assessment appeals may be deducted from 2003 levy payments. **CARRIED**

11. Council Authorization for Clerk to Certify Persons with Authority to Administer a Grant from the Federation of Canadian Municipalities for the Organics Demonstration Project (PW03035) (Wards 4, 6, 12, 13, 14) (Item 4.12)

(a) That the Clerk be authorized to certify the Incumbency and Authority schedule to the Agreement with the Federation of Canadian Municipalities; and

(b) That the Director of Waste Management be authorized to approve the persons to be certified and advise the Clerk appropriately. **CARRIED**

12. Shoulder Flash Design for Uniformed Officers in Parking and Enforcement Operations (PD03102) (City Wide) (Item 4.13)

That the uniform shoulder flash designs attached as Appendix "A" to Report PD03102 be approved for use by Parking and Enforcement Operations uniformed personnel. **CARRIED**

13. Property Standards by-Law and Back Yard By-Law (PD03107) (City Wide) (Item 5.1)

(a) That the following Property Standards By-Laws be repealed.

By-Law No. 98-243	(Hamilton)
By-Law No. 79-115	(Ancaster)
By-Law No. 4478-99	(Dundas)
By-Law No. 80-111-P	(Flamborough)
By-Law No. 505-94	(Glanbrook)
By-Law No. 4239-95	(Stoney Creek)

(b) That the harmonized Property Standards By-Law attached as Appendix A to Report PD03107 be enacted as amended.

Note: Schedule B was deleted in its entirety and replaced with a revised Schedule B

(c) That the following Back Yard By-Laws be repealed.

(i)	By-Law No. 89-35	(Hamilton)
(ii)	By-Law No. 571-99	(Glanbrook)
(iii)	By-Law No. 3201-90	(Stoney Creek)

(d) That the harmonized Back Yard By-Law attached as Appendix B to Report PD03107 be enacted.

(e) That staff be directed to report back in one year on the effectiveness of the Property Standards By-law.

CARRIED

Councillor D. Braden Opposed

14. 2003 Area Ratings and Tax Policies (FCS03089) (Item 5.5)

(a) That the 2003 area rating service costs and other financial adjustments as contained in Schedule One to FCS03089 be approved.

(b) That the 2003 Tax Operating budget be amended as per Schedule Two to FCS03089.

CARRIED

15. Heritage Tax Rebate Program (FCS03088) (Item 5.4)

(a) That report FCS03088 "Heritage Tax Rebate Program" be received for information.

(b) That staff be directed to further review the Heritage Tax Rebate Program during the 2004 budget process for possible implementation in the 2004 taxation year.

(c) That this report be forwarded to LACAC for its information.

CARRIED

16. 2003 Tax Policies and Ratios (FCS03087) (Item 5.3)

(a) That the following optional property tax classes be confirmed for the 2003 taxation year:

- New Multi-Residential
- Parking Lot & Vacant Land
- Large Industrial

(b) That the following 2003 tax ratios be approved:

Residential	1.0000
Multi-Residential	2.6863
New Multi-Residential	1.0000
Commercial (residual)	2.1012
Parking Lot & Vacant Land	2.1012
Industrial (residual)	3.3352
Large Industrial	3.9109
Pipeline	1.4098
Farm	0.2250
Managed Forest	0.2500

(c) That the following 2003 tax rate reductions be approved:

(i) Vacant units and excess land subclass (residual commercial)	30%
(ii) Vacant units and excess land subclass (residual industrial)	35%
(iii) Vacant units and excess land subclass (large industrial)	35%
(iv) Farmland awaiting development (1st subclass)	45%
(v) Farmland awaiting development (2nd subclass)	0%

(d) That the 2003 approved Business Tax Reduction (BTR) Plan of $1.8 million be allocated as follows:

- Commercial Class - $1.2 million
- Industrial Class - $0.6 million

(e) That the City of Hamilton continue to provide a tax deferral option for eligible low-income elderly and low income disabled persons.

(f) That the City of Hamilton extend the tax exemption for Legion's and Veteran's Clubs for an additional three-year period, (2003, 2004 and 2005).

(g) That the City of Hamilton continue to provide 40% tax rebates for eligible charities and similar organizations.

(h) That the City of Hamilton continue with the Senior's Tax Credit program in 2003 and reviewed for 2004 in conjunction with the provincial Senior's Education Tax Rebate program.

(i) That staff explore the possibility and resulting financial/tax impacts of implementing tax exemption and/or tax rebate policies for properties not receiving waste collection once the provincial threshold transition ratios have been met and the levy restrictions have ended.

(j) That the Director of Legal Services & Corporate Counsel be authorized to submit, for Council's approval, the necessary by-laws.

(k) That the "Tax Rates for Farm Properties and 2003 CVA Reassessment" Item, referred from HSC on April 9, 2003, be identified as completed and removed from the Outstanding Business List. **CARRIED**

17. 2003 Residential Tax Phase In Options (FCS03090) (Item 5.6)

That the current Residential Tax Phase-in plan adopted during the 2001 Reassessment, be discontinued and replaced with the following phase-in plan:

- Applies to Residential (RT), Farm (FT) and Managed Forest (TT) property classes;
- Applicable for 2003, 2004 and 2005;
- Where property taxes are increasing, the increase shall be phased–in as follows: 75% in 2003, 15% in 2004 and 10% in 2005;
- Notwithstanding the above, where property taxes are increasing, for 2003 and every year thereafter the property owner must absorb the first $200 of the remaining increase;
- Where property taxes are decreasing, the decrease shall be phased–in as follows: 35% in 2003, 35% in 2004 and 30% in 2005;
- Notwithstanding the above, where property taxes are decreasing, for 2003 and every year thereafter the property owner shall receive the first $50 of the remaining decrease;
- The City's transitional funding for the phase-in program continue to be financed from the Tax Stabilization Reserve ($1,177,300 in 2003, -$403,300 in 2004 and $0 in 2005);
- The phase-in program shall be reviewed for the 2004 taxation year.

CARRIED

18. Ward Names (FCS03081) (Item 7.1)

(a) That Ward Councillors be requested to provide to the City Clerk no later than May 30, 2003 the preferred name for their respective ward; and,

(b) That a by-law be prepared satisfactory to Legal Counsel for presentation to Council after May 30, 2003 confirming the selected ward names; and,

(c) That a copy of the approved By-law be forwarded to the Minister of Municipal Affairs and Housing requesting that Ontario Regulation 448/00 respecting ward names in the City of Hamilton be amended accordingly.

(d) That report FCS03081 be received. **CARRIED**

19. City of Hamilton's Regional Transition Assistance Grant - Status Report & Summary of Amalgamation Savings (FCS03078) (City Wide) (Item 7.2)

(a) That the summary of Transition Costs for 2001 & 2002 outlined in Appendix A & B be received for information.

(b) That the summary of Amalgamation Savings outlined in Appendix C be received for information.

(c) That the 2001 & 2002 Transition Expenditure Report – Appendix D be submitted to the Ministry of Municipal Affairs & Housing per the Regional Transition Assistance grant agreement of March 2001.
CARRIED

20. 2003 Unspecified & Unallocated Budget Reductions (FCS03079) (City Wide) (Item 7.3)

(a) That the summary of unspecified and unallocated 2003 budget reductions as outlined in Table 1 attached to this report be approved and implemented.

(b) That staff be directed to develop plans and report back to Council on in-year service reductions and other necessary measures in order to mitigate any anticipated 2003 tax budget unfavourable variances.

(c) That the budget reductions for Print Review in the amount of $650,000 outlined in table 1 and the Print & Mail in the amount of

$85,530 be tabled pending the upcoming staff report on the Print Review. **CARRIED**

21. SARS Impact on Hamilton's Tourism Industry (Item 8.1)

(a) That Council endorse the letter, attached as Appendix "A" to Report ECO03010, from the President of Tourism Hamilton requesting that the Ontario Minister of Tourism and Recreation consider providing promotional assistance to Tourism Hamilton to combat the negative effect the SARS crisis has had upon Hamilton's tourism industry;

(b) That the Ontario Minister of Tourism and Recreation be advised of Council's action;

(c) That Council receives for information the report, attached as Appendix "B" to Report ECO03010, outlining the known impacts on Hamilton's tourism industry as a result of the SARS crisis; and,

(d) That Report ECO03010 – SARS Impact on Hamilton's Tourism Industry be received.

(e) That an additional paragraph be added to the correspondence addressing a special dispensation to exempt PST for hotel accommodations during the World Cycling event. **CARRIED**

22. Allocation of Block Funding for Other Downtowns and Business Improvement Areas (PD03089) (Affects Wards 1, 3, 4, 6, 7, 9, 11, 12, 13 and 15) (Item 11.2)

(a) That block funding in the amount of $250,000 for streetscape improvements within other downtowns and business improvement areas approved as part of the 2003 Capital Budget be allocated as follows:

i) Ancaster - $40,000
ii) Barton Village B.I.A. - $25,000
iii) Concession Street B.I.A. - $30,000
iv) Dundas - $30,000
v) Ottawa Street B.I.A. - $30,000
vi) Stoney Creek - $20,000
vii) Waterdown - $45,000
viii) Westdale Village B.I.A. - $30,000

(b) That staff from the Downtown Renewal Division be authorized and directed to implement the projects detailed in the Background Section and Appendix A of Report PD03089. **CARRIED**

23. Federal Initiative - Supporting Communities Partnerships Initiatives Part 2 (Community Entity) (SPH00062b) (City Wide) (Item 12.2)

(a) That the General Manager of the Public Health & Community Services Department be authorized and directed to enter into an agreement with Human Resources Development Canada (HRDC) to become the Community Entity (CE) for the facilitation and administration of projects approved for SCPI II funding, effective immediately.

(b) That the agreement be effective April 1, 2003 until March 31, 2006, barring any performance issues that may warrant changes.

CARRIED

24. Waste Diversion Ontario - Environment Bill of Rights Registry - Notice of the Blue Box Program Plan and Designation of Stewardship Ontario (PW03045) (City Wide) (Item 13.1)

(a) That the City of Hamilton supports the approval of the Blue Box Program Plan and the designation of Stewardship Ontario; and

(b) That the Minister of Environment be respectfully requested to approve the Blue Box Program Plan and designation of Stewardship Ontario as expeditiously as possible.

(c) That a copy of Council's resolution be sent to the Premier, the members of Provincial Parliament representing the City of Hamilton, Waste Diversion Ontario, the Association of Municipalities of Ontario, and interested industry organizations.

(d) That, should the Province not approve the Blue Box Plan, staff report on the implications and possible solutions to any resulting unfavourable budget variance. **CARRIED**

25. Beckett Drive - Temporary Closure (PW03040) (City Wide) (Item 13.2)

That the closure of Beckett Drive on Saturday, May 24, 2003 and Sunday, May 25, 2003 from 8:30 a.m. to 3:00p.m. to accommodate tree maintenance activities by City Forestry staff be approved. **CARRIED**

26. All Way Stop Request - Dunsmure Road at Graham Avenue North (PW03044) (Ward 4) (Item 13.3)

(a) That an All-Way Stop Control be implemented at Dunsmure Road at Graham Avenue North.

(b) That the appropriate by-law be passed and enacted.

CARRIED as AMENDED

Councillor M. Caplan Opposed.

27. **Request to Lower the Speed Limit on Upper Gage Avenue Between Rymal Road East and Anna Capri Drive (PW03039) (Ward 6) (Item 13.4)**

(a) That the speed limit on Upper Gage Avenue between Rymal Road East and Anna Capri Drive be set at 50 km/h.

(b) That the by-law outlined in Report PW03039 as Appendix A to amend the City of Hamilton By-law 01-215 be passed and enacted.

CARRIED

28. **Tree Removal Request - Lupin Avenue from East 43rd Street to East 45th Street (PW03037) (Ward 6) (Item 13.5)**

That the existing tree, in the boulevard off Lupin Avenue adjacent to 150 East 44th Street be approved for removal to facilitate the provision of a combined walk and curb on the north side of Lupin Avenue in the City of Hamilton. **CARRIED**

29. **Hamilton Waterfront Trust Tour Boat License Agreement (PW03047) (City Wide) (Item 13.6)**

(a) That the City of Hamilton enter into a License Agreement with the Hamilton Waterfront Trust to allow for the operation and mooring of a tour boat from and at the gazebo area by the public boat launch at Bayfront Park outlined in Report PW03047 as Appendix A in a form satisfactory to Legal Services.

(b) That, as the Hamilton Waterfront Trust is a non-profit organization, it is recommended that the normal mooring fee be waived and that the fee be set at $1.00 for the term of the lease agreement.

(c) That, in accordance with the proposed Licence Agreement, the City of Hamilton allow for the mooring of the tour boat at the gazebo area by the public boat launch at Bayfront Park during the proposed hours of operation outlined in Report PW03047 as Appendix B.

CARRIED

Councillor D. Braden opposed.

30. **2003 Aquatic Vegetation Harvesting Program (PW03048) (City Wide) (Item 13.7)**

(a) That the City of Hamilton, as owner of the lands in the Macassa Basin within the Hamilton Harbour, endorse the applications to the Department of Fisheries and Oceans (DFO) and the Ministry of the Environment (MOE), for the harvesting of aquatic weeds located in and around the Marina Operators (Macassa Bay Yacht Club, Scott MacDonald Marina, and the Hamilton Bay Sailing Club) using herbicides, as requested by the marine operators;

(b) That the City of Hamilton, as owner of lands in the Macassa Basin within the Hamilton Harbour, endorse the use of mechanical harvesting as a preferred first method for aquatic vegetation control in the Harbour West Marina and Royal Hamilton Yacht Club and should mechanical control methods prove ineffective, that the City endorse the applications to the Department of Fisheries and Oceans and the Ministry of the Environment, for the harvesting of aquatic weeds using herbicides;

(c) That staff be authorized and directed to execute the necessary documents and all ancillary documents in a form satisfactory to Corporate Counsel. **CARRIED**

31. Red Light Camera Program Extension (PW03033) (City Wide) (Item 13.8)

(a) That, subject to the Cities of Ottawa and Toronto and the Regional Municipalities of Peel and Waterloo extending their red light camera programs for the fourth year, the City of Hamilton continue to operate the red light camera program until November 20, 2004 with the intent of the program being self-financed from fine revenue.

(b) That, subject to the Cities of Ottawa and Toronto and the Regional Municipalities of Peel and Waterloo extending their red light camera programs for the fourth year, approval be granted to extend the previous contract with Affiliated Computer Systems for various maintenance and operational activities associated with the red light camera equipment, approved May 2, 2000 and July 2, 2002, for one additional year from November 2003 through to November 2004 for a total amount of approximately $187,800 to be charged to Dept ID 205071.

(c) That staff be authorized to review options for the extension beyond November 2004 of the operation and maintenance of red light camera system, which may include tendering for a new vendor, with the results of such investigation to be presented to City Council for consideration.

(d) That, subject to the Cities of Ottawa and Toronto and the Regional Municipalities of Peel and Waterloo extending their red light camera programs for the fourth year, approval be granted to extend the contract between the City of Hamilton and the City of Toronto for an additional two years for an approximate amount of $123,200 to be charged to Dept ID 205071 to undertake centralized municipal processing of red light camera offence notices until all notices issued up to November 20, 2004 are processed.

(e) That, subject to the Cities of Ottawa and Toronto and the Regional Municipalities of Peel and Waterloo extending their red light camera programs for the fourth year, approval be granted to extend the operational agreement for an additional two years with the Ministry of Transportation, Ontario, which defines the responsibilities of the City and the Province under the Red Light Camera program, and thereby permits the City of Toronto to obtain motor vehicle registration information necessary to lay charges under this program, on behalf of the City of Hamilton, until all charges issued up to November 20, 2004 are processed, with an approximate cost of $310,300 charged to Dept ID 205071.

(f) That staff be authorized to conduct a public awareness program for the red light camera system in Hamilton at an estimated cost of $50,000 in 2003 and 2004 with that cost being charged to Dept ID 205071. **CARRIED**

32. James L. Grightmire Arena - Market Street, Dundas, Floor Replacement Tender C3-19-03 (PW03057) (Item 13.9)

(a) That approval be granted to increase the capital budget allocation for the replacement of the rink slab floor and board structures by an amount of $85,000 at the James L. Grightmire Arena (Market Street, Dundas), previously approved in the capital budget on May 23, 2002, at an estimated cost of $500,000, and to be increased to an amount of $585,000 Inclusive of design, construction, taxes, and contingency.

(b) That the increase in budget for the James L. Grightmire Arena project be financed through a transfer of budget amount from the scheduled 2005 Mountain Arena Capital Project (#7100354105).

(c) That the construction contract be awarded to the firm of Harm Schilthuis and Sons Ltd. at a cost of $553,190, inclusive of construction, taxes and contingency.

(d) That the Mayor and Clerk be authorized to sign the necessary documents. **CARRIED**

33. Supply of Furniture - Workstations and Case Goods, for City of Hamilton Employees (PW03032/FCS03085) (City Wide) (Item 14.1)

(a) That Teknion, Boulevard, and Steelcase be approved as acceptable manufacturers for the supply of office furniture, workstations and case goods.

(b) That staff be authorized and directed to negotiate “house account agreements” with these manufacturers for a three year period ending December 31, 2005.

34. Award of Contract C11-08-03, Supply and Delivery of Recycling Containers Option 2 - Supply and Delivery of 5,000 Wheeled Recycling Carts (PW03020) (Item 17.1)

That Contract C11-08-03 for the Supply and Delivery of 5,000 Recycling Carts be awarded to the lowest acceptable bid, SSI Schaefer System International Ltd., at a total contract price of $373,750.00 (includes all applicable taxes) to be financed by Capital Project #5120290114.

CARRIED

35. Investigation of State-of-the-Art Energy from Waste Facilities (Item 18.1)

Whereas, the Solid Waste Reduction Unit (SWARU) ceased operation in December 2002.

Whereas, the solid waste that was previously incinerated at SWARU is being landfilled at the Glanbrook Landfill Site,

Whereas, the Solid Waste Management Master Plan (SWMMP) will continue to be supported,

Whereas, the General Manager of Public Works has been directed to begin exploring the need for a new state-of-the-art Energy from Waste (EFW) facility,

Whereas, the life expectancy of the Glanbrook Landfill will be reduced, by approximately 4 years, to 21 years assuming that the 65% waste diversion target set out in the SWMMP is reached by 2008.

Whereas, the life expectancy of the Glanbrook Landfill will be reduced to 11 years if City of Hamilton residents do not actively participate in waste diversion programs and current diversion rates are maintained.

Therefore be it resolved that the City of Hamilton and Hamilton Utilities Corporation jointly investigate EFW technologies, obtain input from the Glanbrook Landfill Committee, Waste Reduction Task Force and SWMMP Steering Committee and report back to Council on the findings and recommendations for further action. **CARRIED**

FOR THE INFORMATION OF COUNCIL:

(a) DECLARATIONS OF INTEREST

Item 34 **Award of Contract C11-08-03, Supply and Delivery of Recycling Containers Option 2**
Councillor D. Braden declared an interest as he conducts personal business with the company.

Information Item(d) **Harmonized Taxicab By-Law (PD01120b)**
Councillor M. Ferguson declared an interest as his brother owns a cab.

(b) ADOPTION OF MINUTES

The minutes of April 22, 2003 were received and adopted as presented.

(c) DELEGATION REQUESTS

The following delegation requests were approved for referral to the Hearings Sub-Committee:

3.1 Request to address the Hearings Sub-Committee by Mr. Gord Swan respecting Item 12.1 - Beverly Minor Hockey Association 2001/2002 Season

3.2 Rabab Salim, CSC Hamilton respecting Social Housing Reform Act

3.3 Ann Vickers, Adolescent Community Care Program respecting provincially funded non-profit housing for youth

3.4 Daniel Geagan, Chair, Ecumenical Support Committee for Refugees respecting Access and Eligibility Work Team

3.5 Craig Foye, SHAC respecting affordable and social housing

3.6 Elaine King respecting replacement of city trees on Aberdeen Avenue

3.7 Jeff Wingard, Social Planning and Research Council respecting Progress Report on Homelessness in Hamilton

3.8 Morteza Jafarapour Executive Director, respecting Community Consultation Committee on Social Housing

(d) The following items were DEFERRED to the next Committee of the Whole:

11.1 Harmonized Taxicab By-Law (PD01120b) (City Wide) (Item 11.1)

16.1 Staff Follow-up Report respecting Closed Circuit Television (CCTV) (to be distributed under separate cover)

16.2 Closed Circuit Television (CCTV) Community Consultation Update

(e) The following item was referred back to staff pending a status report on what presently exists.

4.11 Removal of Holding Symbol for Lands Legally Described as Part of Lot 4, Concession 11 (Former Town of Flamborough) - Owner Sierra Lane (2000) Developments Inc. (PD03095) (Ward 15)

(f) The following Notice of Motion was received and will appear on the next Committee of the Whole Agenda:

19.1 Review of the Requirement for Council Representation on Boards, Authorities and Advisory Committees

(g) Private and Confidential

Committee moved In Camera to receive legal advice on the Award of Contract C11-08-03, Supply and Delivery of Recycling Containers Option 2 - Supply and Delivery of 5,000 Wheeled Recycling Carts (PW03020). Upon reconvening in Open Session, committee approved the staff recommendation.

(h) REVIEW OF OUTSTANDING BUSINESS LIST
As time did not permit, this item was not dealt with.

(i) The following item was referred to the Hearings Sub-Committee:

(i) The Fees for Services/Activities By-law, Building and Licensing Division (PD02119) (City Wide) (Referred from Committee of the Whole on December 3, 2002) (Item 5.2)

This item was referred to the Hearings Sub-Committee for consideration pending the scheduled public meeting.

(j) **The following item was deferred:**

Beverly Minor Hockey Outstanding Ice Fee Charges (HCS03010) (Ward 14/15) (Item 12.1)

This item was deferred pending the delegation making his presentation at the Hearings Sub-Committee.

The Committee adjourned at 2:35 p.m.

Respectfully submitted,

Mayor R. Wade

K. Christenson, City Clerk
M. Gallagher, Co-ordinator, Council/COW
May 6, 2003

SECTION 3

SECTION 4

AFFECTS
WARD 15

CITY OF HAMILTON

4.1

PLANNING AND DEVELOPMENT DEPARTMENT
Long Range Planning and Design Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	May 2, 2003	**Prepared by:**	Stephanie Barber (905) 643-1262 Ext. 220
File:	HP2003-009		

SUBJECT: **Heritage Permit Application (2003-009) under Part IV of the Ontario Heritage Act to Permit the Installation of a Mobile Sign in the Parking Lot Behind the Existing Building at 5 Mill Street South, Waterdown, Former Town of Flamborough (PD03112) (Ward 15)**

RECOMMENDATION:

That Heritage Permit (HP2003-009) be approved for the installation of a mobile sign in accordance with the illustrations attached as Appendix A to Report PD03112, accompanying the permit application for a limited period that will expire June 8, 2003.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

5 Mill Street South, Waterdown, is located within the Mill-John-Union-Griffin Heritage Conservation District (HCD) designated under Part V of the Ontario Heritage Act and a heritage permit is required for the erection of structures within a heritage conservation district. This application is for the installation of a mobile sign in the parking lot, at the rear of the subject building. The existing sign was erected on February 17, 2003, without a heritage permit, however, the mobile sign is considered to be acceptable, as it is temporary and does not permanently displace or disrupt heritage fabric.

BACKGROUND:

5 Mill Street South is located at the southeast corner of Mill and Dundas Streets, Waterdown, within the Mill-John-Union-Griffin HCD (see Appendix B to Report PD03112). The Mill-John-Union-Griffin HCD was designated in 1996 under Part V of the Ontario Heritage Act. The store owner wishes to install the mobile sign in the parking lot located at the rear of the building at 5 Mill Street South, to provide advertisement to passing motorists.

The existing sign was erected on February 17, 2003. The Sign By-law for the Waterdown Urban Area allows mobile signs for a period of up to one hundred and twelve cumulative (112) days per year. The maximum time period under the Mobile Sign By-law began with the erection of the sign on February 17, 2003, and will expire June 8, 2003. In March 2003, the applicant was notified that a heritage permit was required and heritage staff received the subject application on April 9, 2003. In accordance with the Mobile Sign By-law, this heritage permit will also expire June 8, 2003. Should the applicant wish to re-erect the sign in 2004, a new heritage permit application will be required.

The subject application satisfies the intent of the HCD guidelines adopted by the Council of the former Town of Flamborough. The Mill-Union District Advisory Committee has reviewed this application and has no objection to the mobile sign.

ANALYSIS OF ALTERNATIVES:

The applicants wish to install a mobile sign behind the building at 5 Mill Street South, to provide advertisement to passing motorists (see Appendix B to Report PD03112). The sign is 10 feet wide and 6 feet high. It is non-illuminated, having a black background with white lettering and mounted on metal legs.

Critical factors in the evaluation of any change affecting a heritage building or its setting are a consideration of “displacement effects” (those adverse actions that result in the damage, loss or removal of valued heritage features) and “disruption effects” (those actions that result in detrimental changes to the setting or character of a heritage feature). The mobile sign is not permanent and will not result in significant adverse impacts to this heritage building or the surrounding designated heritage area.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – Not applicable.

Staffing – Not applicable.

Legal – 5 Mill Street South is located within the Mill-John-Union-Griffin HCD designated under Part V of the Ontario Heritage Act.

POLICIES AFFECTING PROPOSAL:

Official Plan policies of the former Town of Flamborough support the conservation, protection and management of cultural heritage features. Approval of this heritage permit would not conflict with these policies.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

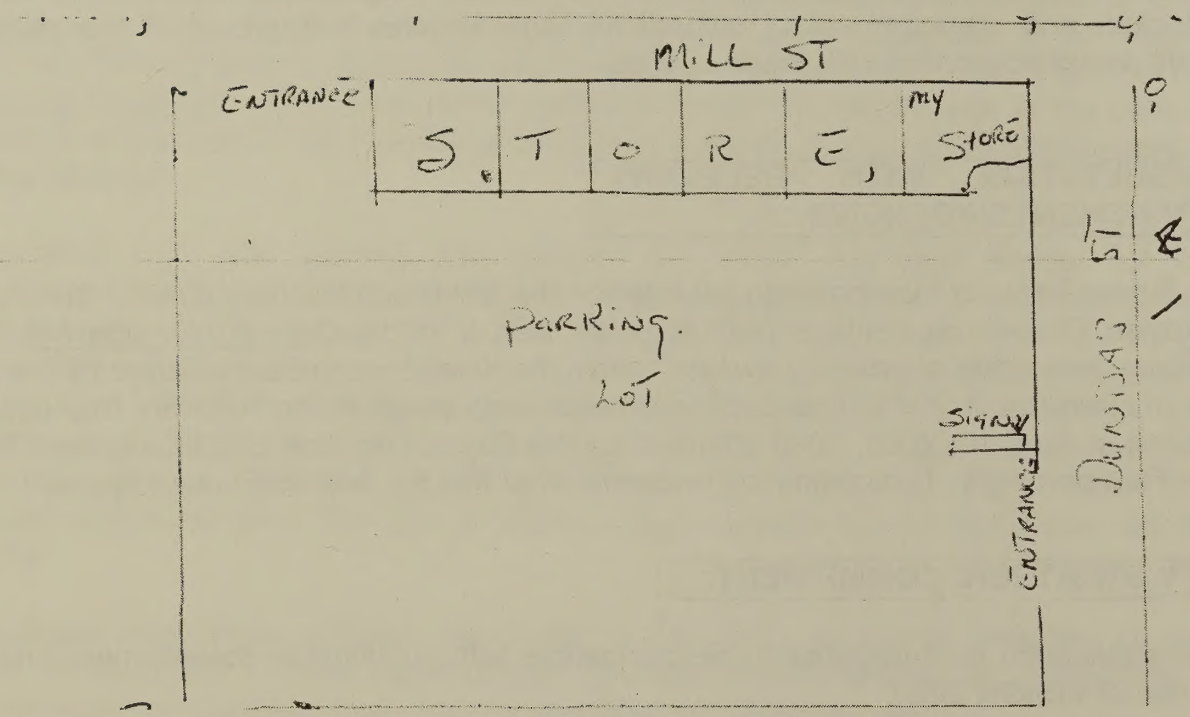
The former Town of Flamborough established the Mill-Union District Advisory Committee to advise Council on heritage permits under Part V of the Ontario Heritage Act. This advisory committee of property owners, within the district, was re-established by the new City of Hamilton in 2001. This application was considered at the Advisory Committee's meeting of April 16, 2003, (also attended by the City of Hamilton LACAC representative from Flamborough). The committee recommended that the application be approved.

CITY STRATEGIC COMMITMENT:

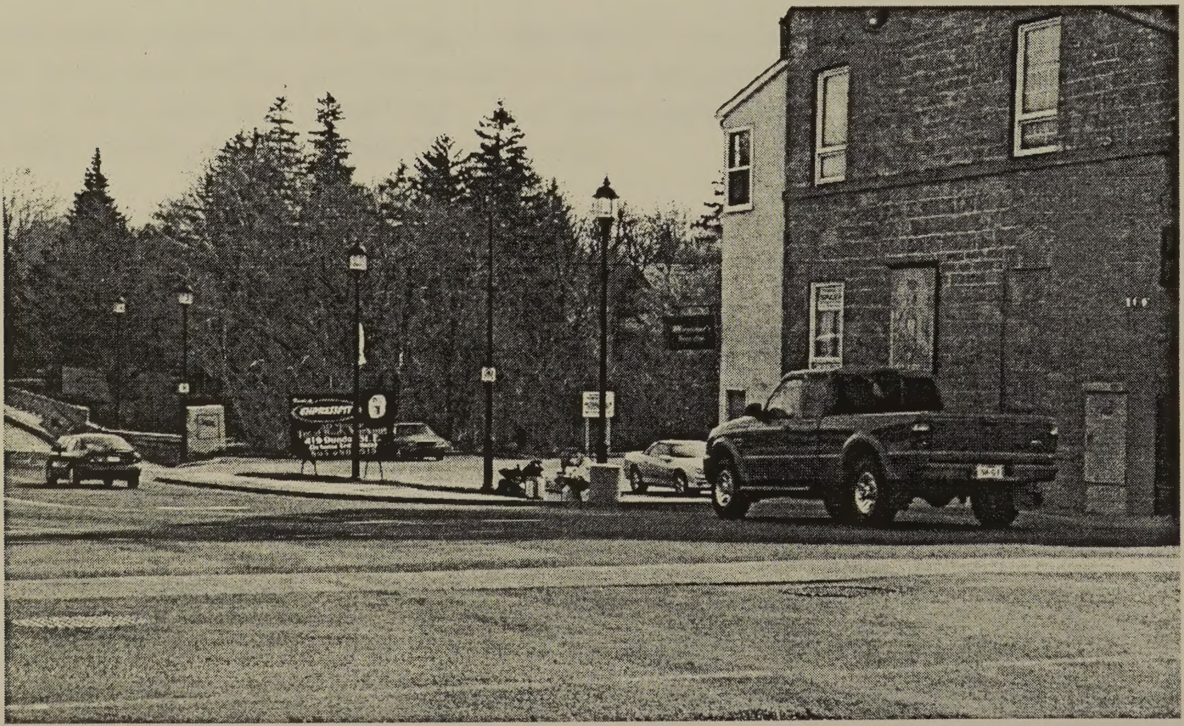
The application is considered to be compatible with sustainable development and the values of VISION 2020.

:SB
Attachs. (2)

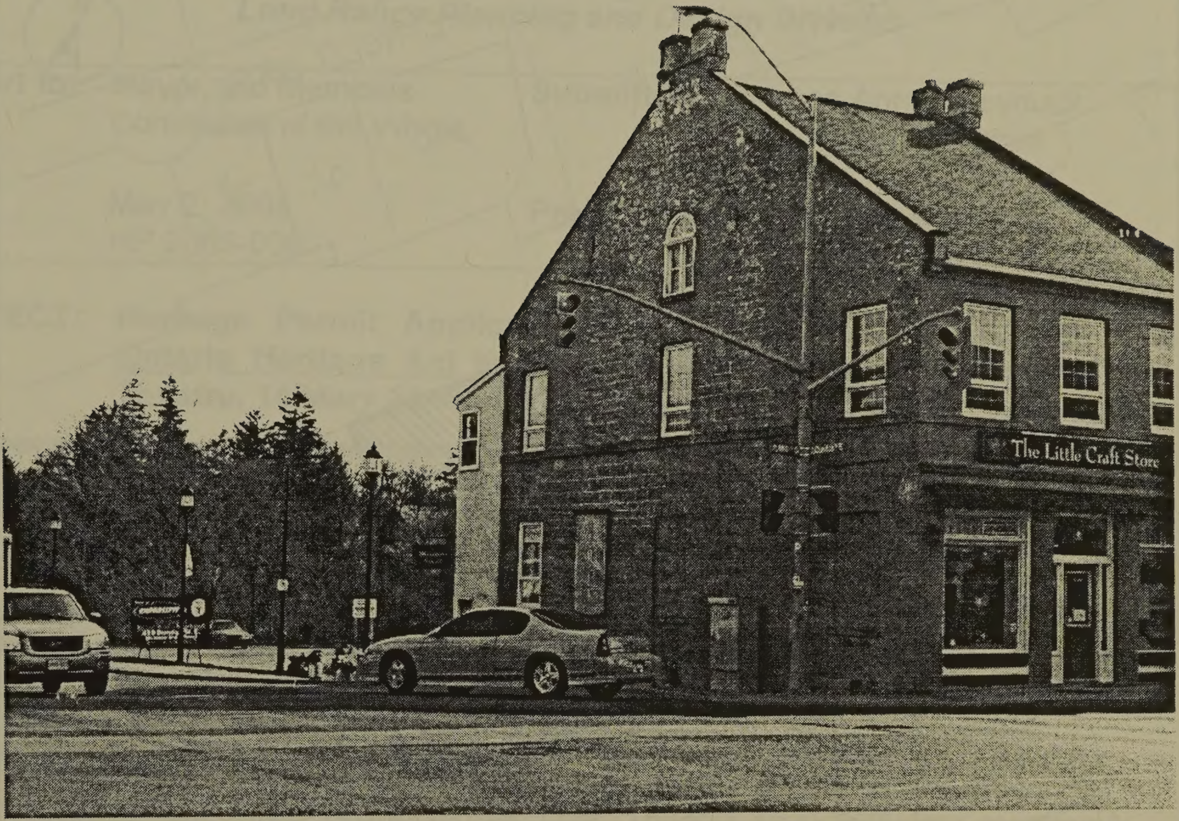
Appendix A to Report PD03112
Page 1 of 2


MILL ST
ENTRANCE
S, T O R E,
MY STORE
PARKING LOT
SIGN
ENTRANCE
DUNDAS ST

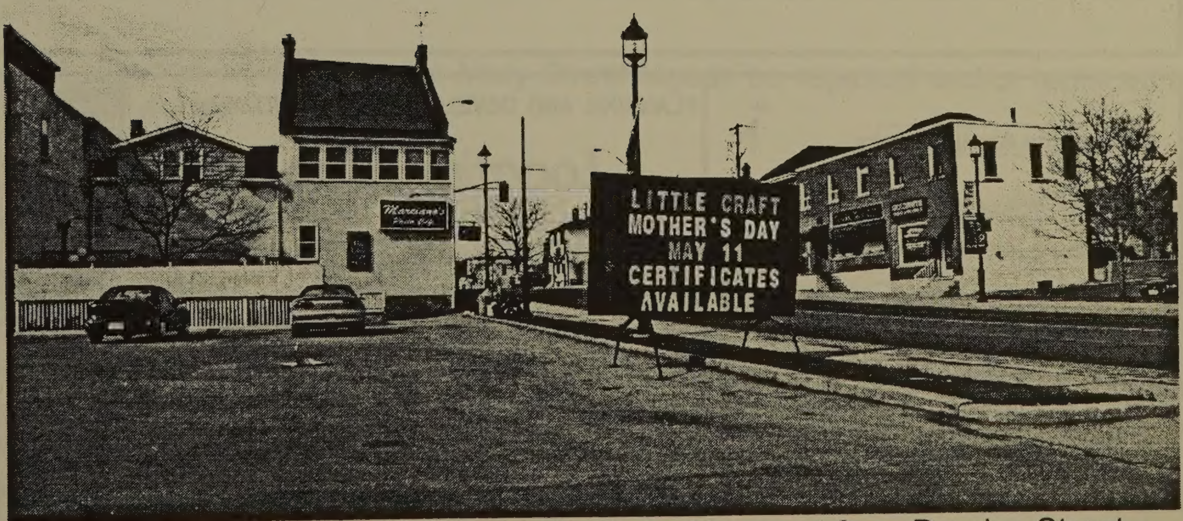
Site plan, showing location of sign behind building



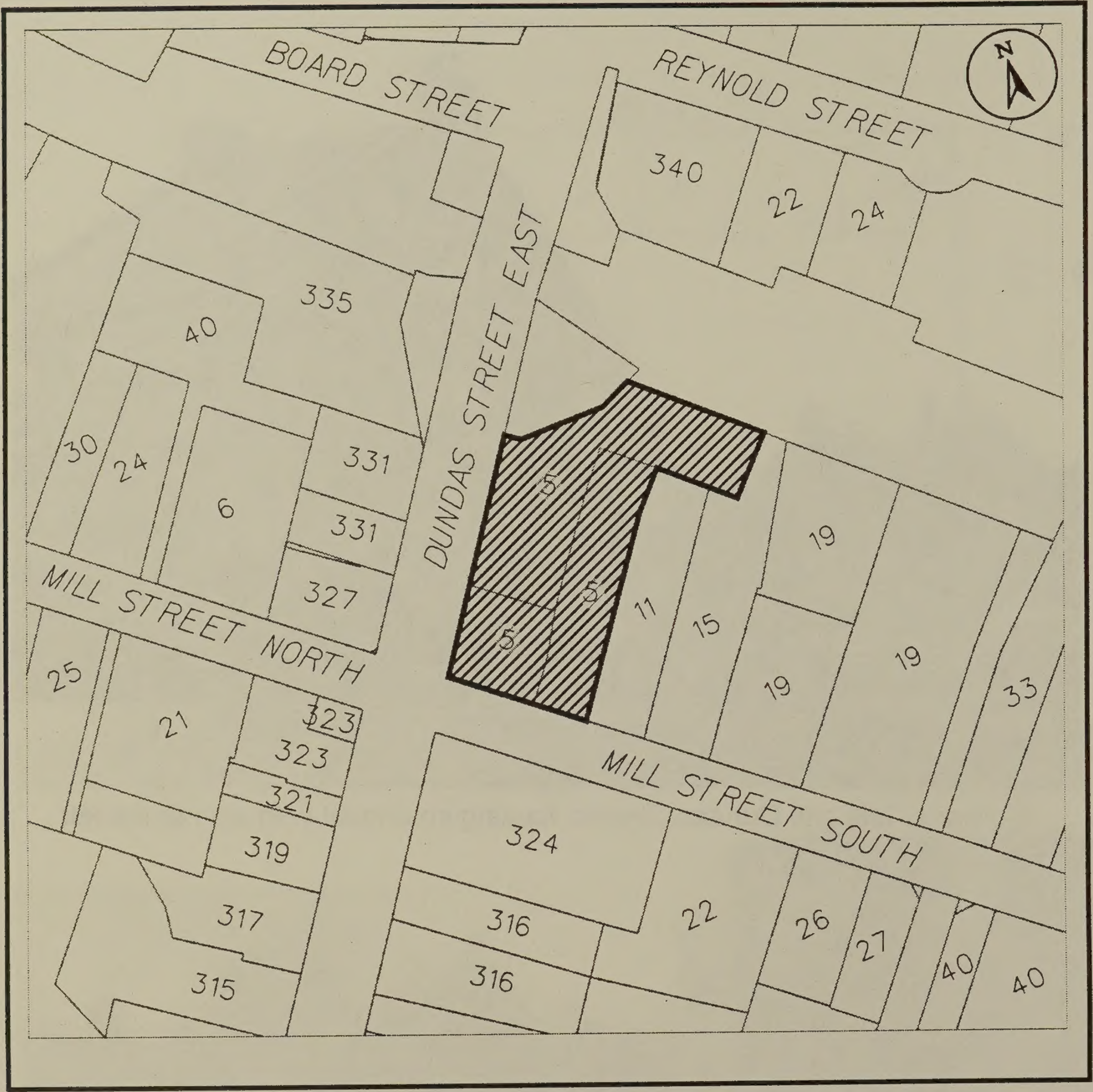
Corner of Mill and Dundas Streets, Waterdown, looking southeast with sign at the left


The Little Craft Store

Corner of Mill and Dundas Streets, looking southeast with sign at the left


Marciano's
LITTLE CRAFT
MOTHER'S DAY
MAY 11
CERTIFICATES
AVAILABLE

Mobile sign behind 5 Mill Street South, looking west from Dundas Street


N
BOARD STREET
REYNOLD STREET
DUNDAS STREET EAST
MILL STREET NORTH
MILL STREET SOUTH
340
22
24
335
40
30
24
6
331
331
327
5
5
5
11
15
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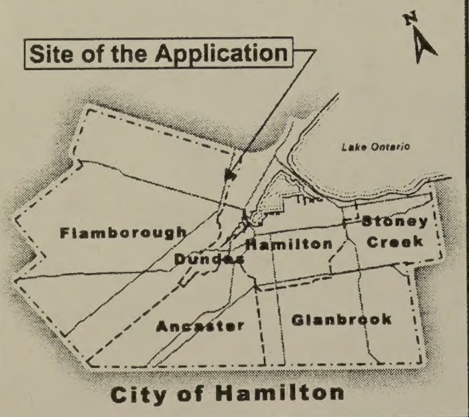

Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
5 Mill Street South

Hamilton

Filename/number
5MillSt

Date
April 28, 2003

Technician:
MR

Map Not to Scale

Appendix "B"

AFFECTS
WARD 2

CITY OF HAMILTON

4.2

PLANNING AND DEVELOPMENT DEPARTMENT
Long Range Planning and Design Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	May 2, 2003	**Prepared by:**	Stephanie Barber (905) 643-1262 Ext. 220
File:	HP 2003-008		

SUBJECT: Heritage Permit Application (HP2003-008) under Part IV of the Ontario Heritage Act to Permit Alterations to the Former Century Theatre, 14 Mary Street in the City of Hamilton (PD03111) (Ward 2)

RECOMMENDATION:

That Heritage Permit (HP2003-008) be approved for alterations to the former *Century Theatre* at 14 Mary Street, Hamilton, according to the drawings attached as Appendix A to Report PD03111 accompanying the permit application, subject to the following conditions:

(a) That the restoration of the former *Lyric Theatre* sign, including metalwork and paintwork, shall be approved by Local Architectural Conservation Advisory Committee (LACAC) and heritage staff, prior to work commencing.

(b) That detailed plans and drawings of the front elevation be prepared for the ground and first floor and shall be approved by LACAC and heritage staff, prior to work commencing and the issuance of a building permit.

(c) That all-wood windows on the Mary Street façade be repaired and/or replaced in kind, i.e. wood.

(d) That all replacement bricks indicated on the submitted drawings for the Mary Street façade are to be of buff colour and to match existing brickwork in size and finish.

(e) That the applicant record and document through photography, written documentation (including paint type, material analysis and construction techniques) and scaled drawings the 1940's design motifs in the main auditorium and provide a reproduction of one or more panels suitably scaled and reproduced in the lobby.

(f) That one or more remnant pieces of the 1940's panels, preferably showing the scrollwork or volutes, be retained and suitably presented at an appropriate location (visually accessible) in the building.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

14 Mary Street (the former *Century Theatre*) was designated under Part IV of the Ontario Heritage Act in 2001 (By-law No. 01-023). This former theatre was constructed in 1913 and is a striking example of Renaissance Revival architecture. The applicant proposes to make physical alterations to the front façade, south and north elevations as well as the interior of the building as part of a proposed residential redevelopment and adaptive re-use (conversion of the theatre to 97 residential units). The proposed work subject to this heritage permit application is considered to be acceptable.

BACKGROUND:

The former *Century Theatre* is designated under Part IV of the Ontario Heritage Act and as such, a Heritage Permit Application must be submitted for any proposed work that affects the Reasons for Designation. The subject building is located on Mary Street between King and King William Streets (see location map attached as Appendix B to Report PD03111). The applicant proposes a major rehabilitation and adaptive re-use of the building to accommodate 97 new residential units. The designated features are the west (front) façade and the 20-foot sections of the north and south walls, which echo the architectural treatment of the front façade. Included are the six brick pilasters, the stone capitals, sills, upper string course and surviving section of the lower cornice; the semi-circular metal sign panel; the original window openings and any surviving wood sash windows. Also included are the 1940 painted panels in the auditorium.

The former *Century Theatre* is located within the Enterprise Zone of Downtown Hamilton. The owners have applied for a municipal realty tax incentive grant under the terms of the City's "Municipal Realty Tax Incentive Grant Program" (Report PD03083).

The owners have also applied for a loan for $1 million under the "Hamilton Downtown Residential Loan Program" (Report PD03082).

The proposed work will involve repair and cleaning of elements of the front façade as well as interior alterations. Critical factors in the evaluation of any change affecting a heritage building or its setting are a consideration of "displacement effects" (those adverse actions that result in the damage, loss or removal of valued heritage features) and "disruption effects" (those actions that result in detrimental changes to the setting or character of a heritage feature).

With respect to the heritage fabric of this designated property, the proposed front façade alterations will not change the original appearance of the front (west) elevation of the building and those heritage features that are included in the Reasons for Designation. The interior alterations will result in displacement effects to identified heritage features, namely the 1940 painted panels in the auditorium. The Heritage Permit Review Subcommittee of LACAC and LACAC have reviewed this application and have no objections to the proposed exterior and interior alterations.

ANALYSIS OF ALTERNATIVES:

There are a number of proposed alterations to the entire structure but only those that are to be made to the west (front) elevation and the first twenty (20) feet of the north and south elevations of the subject building are subject to a heritage permit. Alterations will comprise the following:

- cleaning of the brick with water and detergent;
- cleaning of the stone accents with water and detergent;
- repair of decorative brick and stone features;
- replacement of missing decorative brick and stone features with materials to match as closely as possible;
- rebuilding of the parapet wall on the front elevation using existing brick;
- restoration of the *Lyric Theatre* sign on the front facade; and,
- repairing existing wood frame windows where possible and/or replacing windows with new wood frame windows.

Interior alterations will comprise the following:

- Alteration of the auditorium by construction of six additional floors to accommodate residential rental units, thereby displacing the 1940 painted panels.

The proposed exterior alterations are considered to be acceptable, as they will retain those features that are included in the Reasons for Designation. The interior alterations will result in the loss of designated features. Appropriate mitigation measures are provided for in conditions to the heritage permit. The applicant will be required as a condition of approval to relocate at least one or a portion of the existing panels and recreate the pattern of the panels within the new interior design.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – Not applicable.

Staffing – Not applicable.

Legal – 14 Mary Street is designated under Part IV of the Ontario Heritage Act.

POLICIES AFFECTING PROPOSAL:

Official Plan and Downtown Secondary Plan policies of the former City of Hamilton support the conservation, protection and management of cultural heritage features. Approval of this heritage permit would not conflict with these policies.

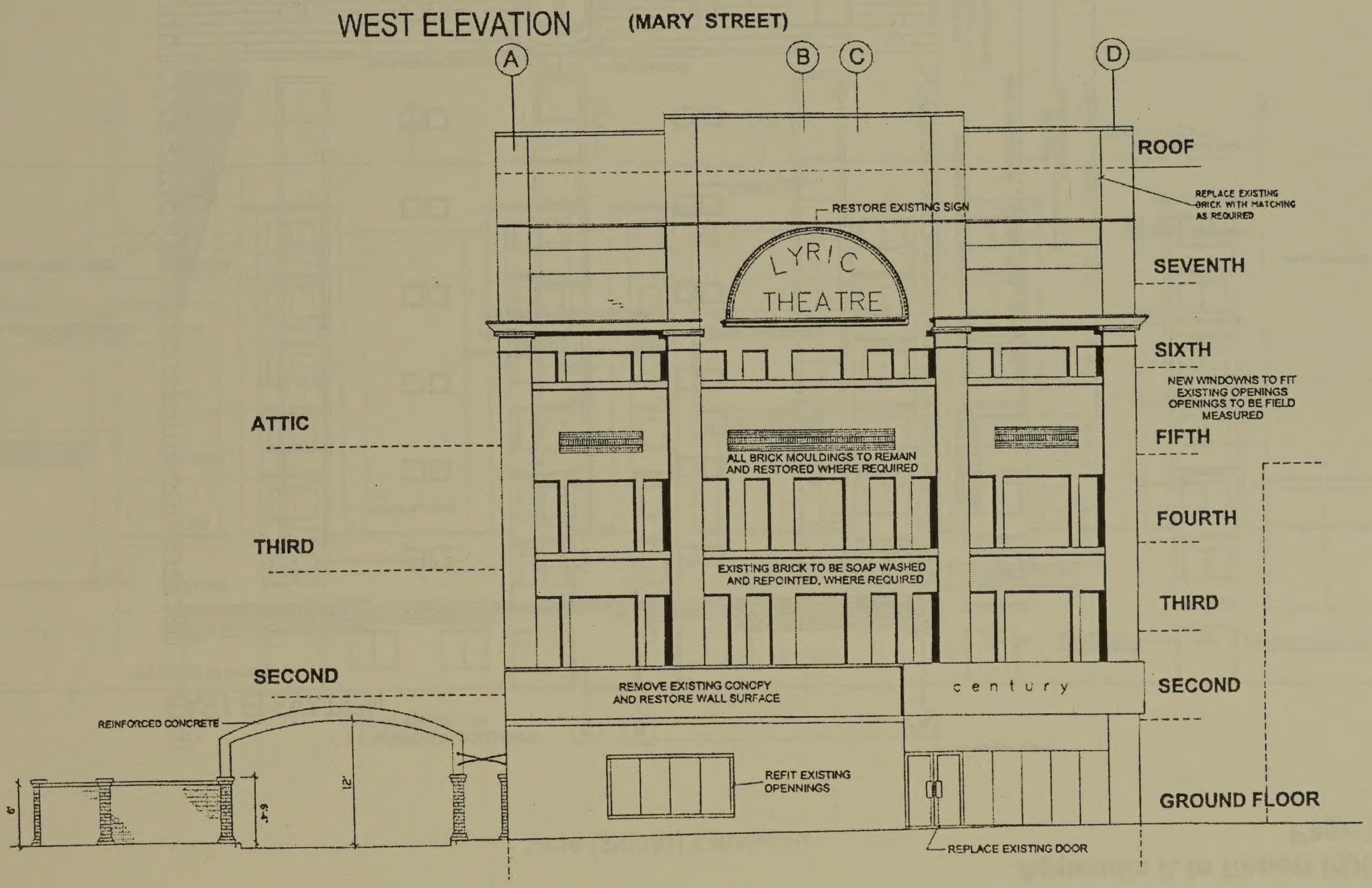
CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Pursuant to Sub-section 33(4) of the Ontario Heritage Act, Council is required to consult with LACAC respecting a heritage permit application. At its meeting of April 17, 2003, the City of Hamilton LACAC considered this application, together with the staff recommendation, and endorsed the staff recommendation. LACAC recommended to Council that Heritage Permit HP2003-008 be approved.

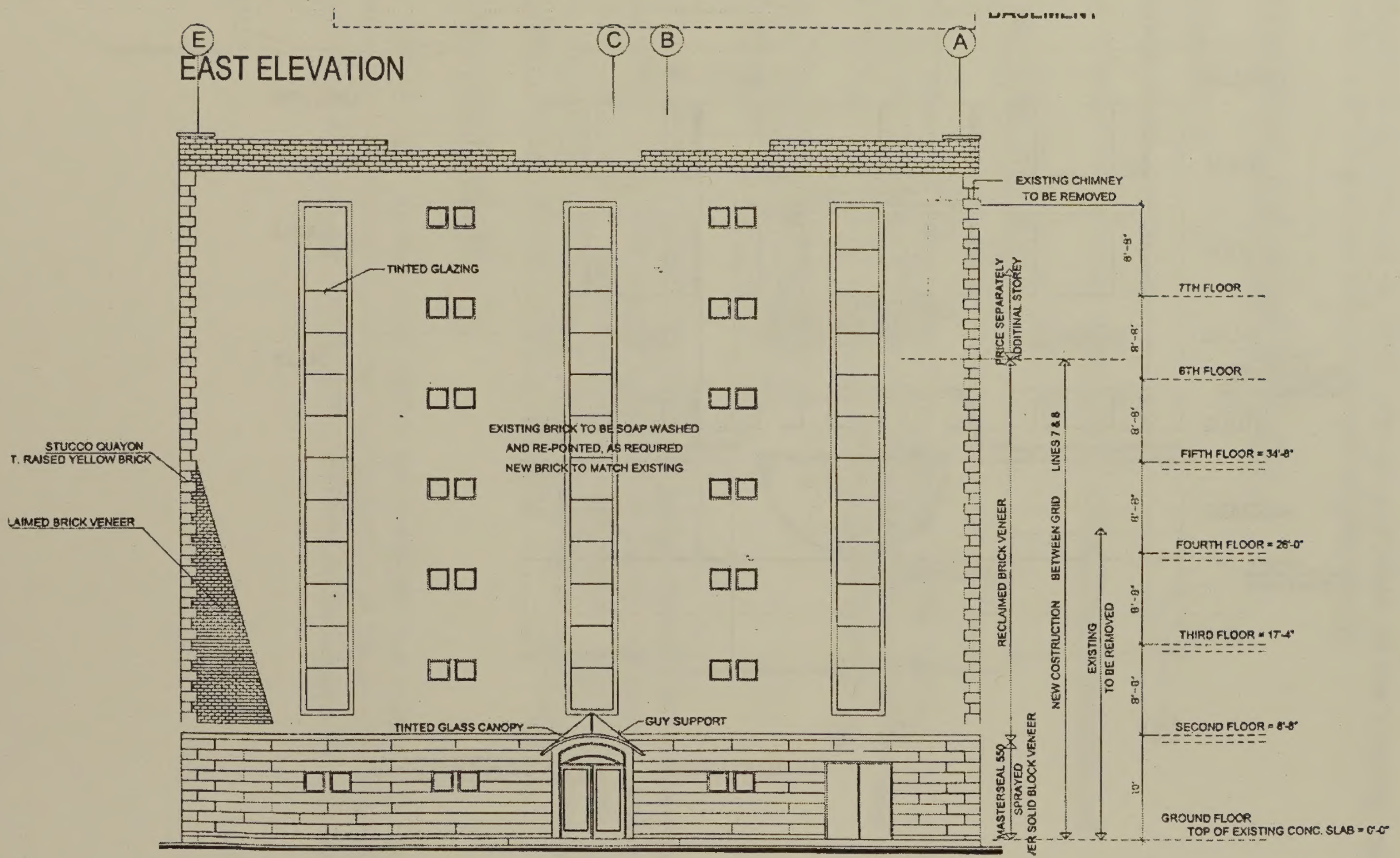
CITY STRATEGIC COMMITMENT:

The proposed exterior and interior alterations will facilitate the continued use of the existing structure and will contribute to the revitalization of Downtown Hamilton. The application is considered to be compatible with sustainable development and the values of VISION 2020.

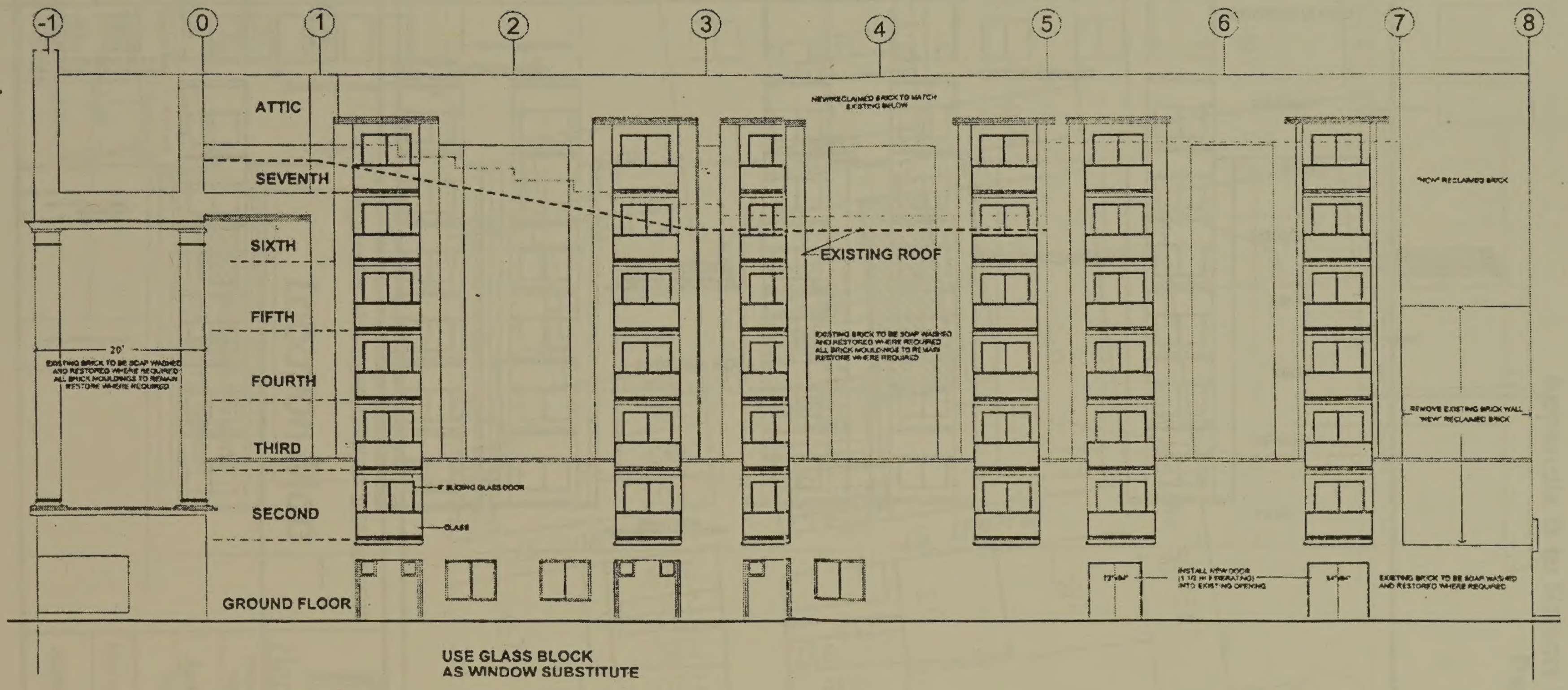
:SB
Attachs. (2)


WEST ELEVATION
(MARY STREET)
A
B
C
D
ROOF
REPLACE EXISTING BRICK WITH MATCHING AS REQUIRED
RESTORE EXISTING SIGN
LYRIC THEATRE
SEVENTH
SIXTH
NEW WINDOWNS TO FIT EXISTING OPENINGS OPENINGS TO BE FIELD MEASURED
FIFTH
ATTIC
ALL BRICK MOULDINGS TO REMAIN AND RESTORED WHERE REQUIRED
FOURTH
THIRD
EXISTING BRICK TO BE SOAP WASHED AND REPOINTED, WHERE REQUIRED
THIRD
SECOND
REMOVE EXISTING CONOPY AND RESTORE WALL SURFACE
century
SECOND
REINFORCED CONCRETE
REFIT EXISTING OPENNINGS
GROUND FLOOR
12'
6'-4"
6'
REPLACE EXISTING DOOR

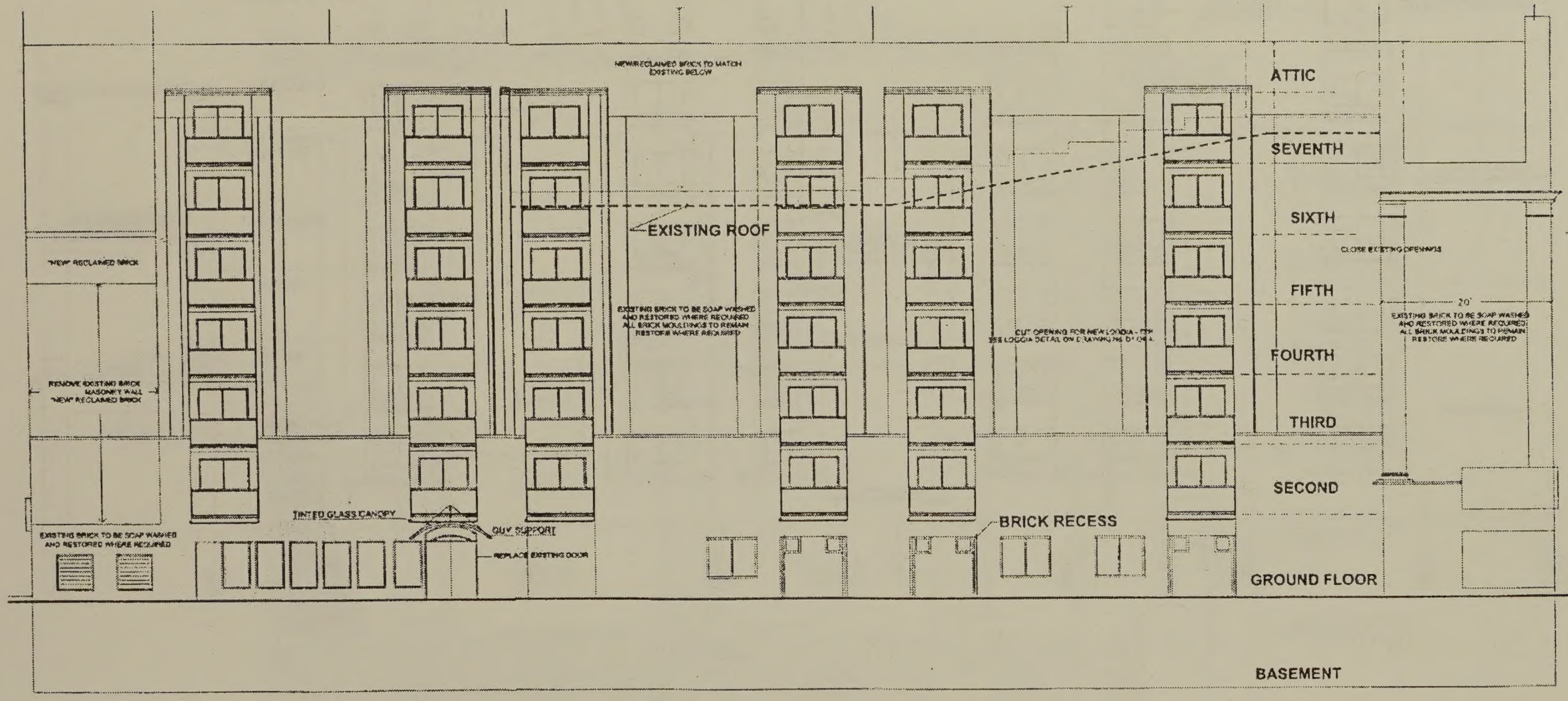
Front (West) Elevation


EAST ELEVATION
E
C
B
A
EXISTING CHIMNEY TO BE REMOVED
TINTED GLAZING
EXISTING BRICK TO BE SOAP WASHED AND RE-POINTED, AS REQUIRED NEW BRICK TO MATCH EXISTING
STUCCO QUAYON
T. RAISED YELLOW BRICK
LAIMED BRICK VENEER
TINTED GLASS CANOPY
GUY SUPPORT
PRICE SEPARATELY ADDITINAL STOREY
RECLAIMED BRICK VENEER
NEW COSTRUCTION BETWEEN GRID LINES 7 & 8
EXISTING TO BE REMOVED
MASTERSEAL 550 SPRAYED
/ER SOLID BLOCK VENEER
8'-9"
8'-8"
8'-8"
8'-8"
8'-8"
8'-8"
10'
7TH FLOOR
6TH FLOOR
FIFTH FLOOR = 34'-8"
FOURTH FLOOR = 26'-0"
THIRD FLOOR = 17'-4"
SECOND FLOOR = 8'-8"
GROUND FLOOR
TOP OF EXISTING CONC. SLAB = 0'-0"

Rear (East) Elevation

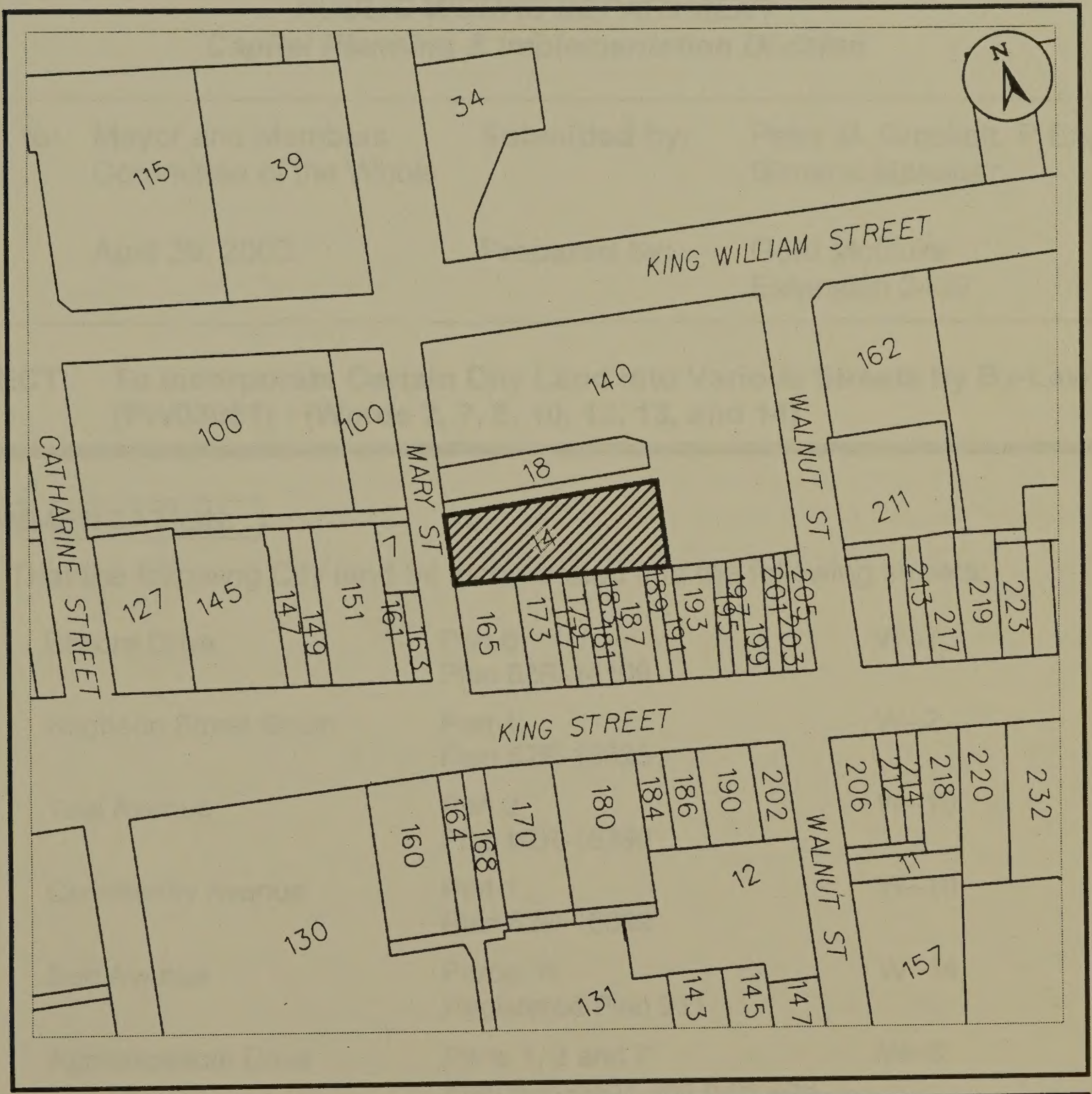

-1
0
1
2
3
4
5
6
7
8
ATTIC
SEVENTH
SIXTH
FIFTH
FOURTH
THIRD
SECOND
GROUND FLOOR
20'
EXISTING BRICK TO BE SOAP WASHED AND RESTORED WHERE REQUIRED ALL BRICK MOULDINGS TO REMAIN RESTORE WHERE REQUIRED
6' SLIDING GLASS DOOR
GLASS
NEW/RECLAIMED BRICK TO MATCH EXISTING BELOW
EXISTING ROOF
EXISTING BRICK TO BE SOAP WASHED AND RESTORED WHERE REQUIRED ALL BRICK MOULDINGS TO REMAIN RESTORE WHERE REQUIRED
"NEW" RECLAIMED BRICK
REMOVE EXISTING BRICK WALL "NEW" RECLAIMED BRICK
12'x8'
INSTALL NEW DOOR (1 1/2 H FIRERATING) INTO EXISTING OPENING
8'x8'
EXISTING BRICK TO BE SOAP WASHED AND RESTORED WHERE REQUIRED
USE GLASS BLOCK AS WINDOW SUBSTITUTE

Side (South) Elevation


NEW RECLAIMED BRICK TO MATCH EXISTING BELOW
ATTIC
SEVENTH
SIXTH
FIFTH
FOURTH
THIRD
SECOND
GROUND FLOOR
BASEMENT
EXISTING ROOF
"NEW" RECLAIMED BRICK
REMOVE EXISTING BRICK MASONRY WALL "NEW" RECLAIMED BRICK
EXISTING BRICK TO BE SOAP WASHED AND RESTORED WHERE REQUIRED
TINTED GLASS CANOPY
GUY SUPPORT
REPLACE EXISTING DOOR
EXISTING BRICK TO BE SOAP WASHED AND RESTORED WHERE REQUIRED ALL BRICK MOULDINGS TO REMAIN RESTORE WHERE REQUIRED
CUT OPENING FOR NEW LOGGIA - SEE LOGGIA DETAIL ON DRAWING No. D1 OF 4
BRICK RECESS
CLOSE EXISTING OPENINGS
20'
EXISTING BRICK TO BE SOAP WASHED AND RESTORED WHERE REQUIRED ALL BRICK MOULDINGS TO REMAIN RESTORE WHERE REQUIRED

Side (North) Elevation

Appendix B to Report PD03111
Page 1 of 1


N
KING WILLIAM STREET
KING STREET
CATHARINE STREET
MARY ST
WALNUT ST
115
39
34
140
162
100
100
18
14
211
7
127
145
147
149
151
161
163
165
173
177
179
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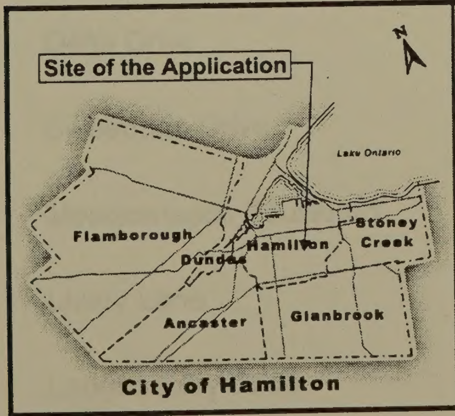

Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ Subject Property
14 Mary Street

Hamilton

Filename/number	14MarySt
Date	April 8, 2003
Technician:	MR

Map Not to Scale

Appendix "B"

AFFECTS WARDS
2, 7, 8, 10, 12, 13 & 14

CITY OF HAMILTON

4.3

PUBLIC WORKS DEPARTMENT
Capital Planning & Implementation Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	April 29, 2003	**Prepared by:**	Gord McGuire Extension 2439

SUBJECT: **To Incorporate Certain City Land into Various Streets by By-Law (PW03051) - (Wards 2, 7, 8, 10, 12, 13, and 14)**

RECOMMENDATION:

(a) That the following City land be incorporated into the following streets:

Elmore Drive	Part 6 Plan 62R-14109	W--7
Hughson Street South	Part 1 Plan 62R-13325	W--2
Teal Avenue	Part 2 Plan 62R-16399	W--10
Community Avenue	Part 1 Plan 62R-16399	W--10
Sun Avenue	Parcel 'A' Registered Plan 911	W--14
Appleblossom Drive	Parts 1, 2 and 2 Plan 62R-6351 and 62R-259	W--8
Delta Drive	Part 2 Plan 62R-11789	W--7
Sweetman Drive	Part 9 Plan 62R-14607	W--13
Meadowlands Boulevard	Parts 1 and 2 Plan 62R-14293	W--12
Livery Lane	Block 219 Plan 62M-635	W--12
Londonderry Drive	Block 220 Plan 62M-635	W--12

(b) That the By-Laws to carry out the incorporation of the said land into the foregoing streets be prepared to the satisfaction of the Corporate Counsel and be enacted by Council.

(c) That the General Manager, Public Works, be authorized and directed to register the By-Laws.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

These lands have been acquired at a nominal cost of $2.00 by the City of Hamilton for road purposes as part of the development process.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward(s) 2, 7, 8, 10, 12, 13, and 14.

In order to facilitate orderly development the City has been acquiring lands through the subdivision dedication process or direct transfer. These lands are ultimately required to be a part of the road system.

To complete conditions of severance and to complete final street widths, it is necessary to incorporate City land into the road allowance as indicated below:

Incorporating Into Street Name	Land Description Being Incorporated	Financial Implications	Reason for Being Incorporated	File No.
Elmore Drive	Part 6 Plan 62R-14109 PIN 16922-0271	N/A	To complete conditions of severance	S726-312
Hughson Street South	Part 1 Plan 62R-13325 PIN 17167-0092	N/A	To complete conditions of severance	S600-01
Teal Avenue	Part 2 Plan 62R-16399 PIN 17329-0162	N/A	To complete conditions of severance	S600-01
Community Avenue	Part 1 Plan 62R-16399 PIN 17329-0162	N/A	To complete conditions of severance	S600-01
Sun Avenue	Parcel 'A' Plan 911 PIN 17487-0041	N/A	To open street and allow access to Webster Estates	S600-01
Appleblossom Drive	Parts 1, 2 and 2 Plan 62R-6351, 62R-2596 PIN 16945-0855 16945-0823	N/A	To open street and allow access to Avalon Phase 2	S600-01

Incorporating Into Street Name	Land Description Being Incorporated	Financial Implications	Reason for Being Incorporated	File No.
Delta Drive	Part 2 Plan 62R-11789 PIN 16913-0341	N/A	To open street and allow orderly development	S600-01
Sweetman Drive	Part 9 Plan 62R-14607 PIN 17485-0078	N/A	To open street and allow orderly development	S600-01
Meadowlands Boulevard	Parts 1 and 2 Plan 62R-14293 PIN 17565-0410	N/A	To open street and allow orderly development	S600-01
Livery Lane	Block 219 Plan 62M-635 PIN 17565-0333	N/A	To open street and allow orderly development	S600-01
Londonderry Drive	Block 220 Plan 62M-635 PIN 17565-0411	N/A	To open street and allow orderly development	S600-01

ANALYSIS OF ALTERNATIVES:

The alternative to not incorporating these lands into public highway would be to bar legal access to abutting lands. This would conflict with the development strategy and approved road patterns.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

FINANCIAL: These lands have been acquired at nominal costs during the development process. Life Cycle costs associated with extensions of the road network are estimated at $6,800 per lane kilometer per annum operating, and $11,200 per lane kilometer per annum capital.

STAFFING: There are no associated staffing implications. Other than operations and maintenance impacts with road network extensions.

LEGAL: The City of Hamilton is complying with the relevant legislation by enacting these By-Laws.

POLICIES AFFECTING PROPOSAL:

This recommendation does not bind the corporation to any policy matter.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

In consultation with the Planning & Development Department, Development Engineering Section it has been determined that the development funding has been satisfied. As such this process should proceed to facilitate an orderly development pattern.

CITY STRATEGIC COMMITMENT:

The series of By-laws completes the development cycle originated under the Official Plans and the Vision 2020 document.

THE CITY OF HAMILTON

BY-LAW NO. 03-

TO INCORPORATE CITY LAND DESIGNATED AS PART 6 ON PLAN 62R-14109 INTO ELMORE DRIVE

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001, Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Elmore Drive within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

4. That the following land is hereby established and laid out as a public highway to form part of Elmore Drive.

Part of Lot 7, Concession 8 in the Geographic Township of Barton, now in the City of Hamilton, designated as Part 6 on Plan 62R-14109.

City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.

6. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D., 2003

Mayor

City Clerk

THE CITY OF HAMILTON

BY-LAW NO. 03-

TO INCORPORATE CITY LAND DESIGNATED AS PART 1 ON PLAN 62R-13325 INTO HUGHSON STREET SOUTH

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001, Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Hughson Street South within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

5. That the following land is hereby established and laid out as a public highway to form part of Hughson Street South.

Part of Lot 21, on Registered Plan 1431, in the City of Hamilton designated as Part 1 on Plan 62R-13325.

City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.

7. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D., 2003

Mayor

City Clerk

THE CITY OF HAMILTON

BY-LAW NO. 03-

TO INCORPORATE CITY LAND DESIGNATED AS PART 2 ON PLAN 62R-16399 INTO TEAL AVENUE

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001 Chapter 25, and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Teal Avenue within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

11. That the following land is hereby established and laid out as a public highway to form part of Teal Avenue.

Part of Lot 84 on Registered Plan 647A, in the City of Hamilton, designated as Part 2 on Plan 62R-16399.

City of Hamilton

2. That the General Manager of Pubilc Works or his duly authorized agent is hereby authorized to open the said land as a public highway.

13. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D., 2003

Mayor

City Clerk

THE CITY OF HAMILTON

BY-LAW NO. 03-

TO INCORPORATE CITY LAND DESIGNATED AS PART 1 ON PLAN 62R-16399 INTO COMMUNITY AVENUE

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001 Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Community Avenue within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

2. That the following land is hereby established and laid out as a public highway to form part of Community Avenue.

Part of Lot 84 on Registered Plan 647A, in the City of Hamilton, designated as Part 1 on Plan 62R-16399.

City of Hamilton

2. That the General Manager of Pubilc Works or his duly authorized agent is hereby authorized to open the said land as a public highway.

4. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D., 2003

Mayor

City Clerk

THE CITY OF HAMILTON

BY-LAW NO. 03-

TO INCORPORATE CITY LAND DESIGNATED AS PARCEL 'A' ON REGISTERED PLAN 911 INTO SUN AVENUE

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001 Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Sun Avenue within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

9. That the following land is hereby established and laid out as a public highway to form part of Sun Avenue.

Parcel 'A' on Registered Plan 911 in the City of Hamilton.

City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.

11. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D., 2003

Mayor

City Clerk

THE CITY OF HAMILTON

BY-LAW NO. 03-

TO INCORPORATE CITY LAND DESIGNATED AS PARTS 1 AND 2 ON PLAN 62R-6351 AND PART 2 ON PLAN 62R-2596 INTO APPLEBLOSSOM DRIVE

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001, Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Appleblossom Drive within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That the following land is hereby established and laid out as a public highway to form part of Appleblossom Drive.

   Part of the Road Allowance between Lots 16 and 17, Concession 7 in the Geographic Township of Barton, designated as Parts 1, 2 and 2 on Plan 62R-6351 and Plan 62R-2596, as closed by By-Law 10009, Registered as Instrument HL229824.

   City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.

3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D., 2003

Mayor

City Clerk

THE CITY OF HAMILTON

BY-LAW NO. 03-

TO INCORPORATE CITY LAND DESIGNATED AS PART 2 ON PLAN 62R-11789 INTO DELTA DRIVE

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001, Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Delta Drive within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

3. That the following land is hereby established and laid out as a public highway to form part of Delta Drive.

Part of Lot 14, Concession 8 in the Geographic Township of Barton, now in the City of Hamilton, designated as Part 2 on Plan 62R-11789.

City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.

5. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D., 2003

Mayor

City Clerk

THE CITY OF HAMILTON

BY-LAW NO. 03-

TO INCORPORATE CITY LAND DESIGNATED AS PART 9 ON PLAN 62R-14607 INTO SWEETMAN DRIVE

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001, Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Sweetman Drive within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

10. That the following land is hereby established and laid out as a public highway to form part of Sweetman Drive.

Part of Block 193, on Registered Plan 62M-735 in the City of Hamilton, designated as Part 9 on Plan 62R-14607.

City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.

12. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D., 2003

Mayor

City Clerk

THE CITY OF HAMILTON

BY-LAW NO. 03-

TO INCORPORATE CITY LAND DESIGNATED AS PARTS 1 AND 2 ON PLAN 62R-14293 INTO MEADOWLANDS BOULEVARD

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001, Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Meadowlands Boulevard within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

8. That the following land is hereby established and laid out as a public highway to form part of Meadowlands Boulevard.

Part of Block 218 on Plan 62M-635 in the City of Hamilton, designated as Parts 1 and 2 on Plan 62R-14293.

City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.

10. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D., 2003

Mayor

City Clerk

THE CITY OF HAMILTON

BY-LAW NO. 03-

TO INCORPORATE CITY LAND DESIGNATED AS BLOCK 219 ON PLAN 62M-635 INTO LIVERY LANE

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001 Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Livery Lane within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

6. That the following land is hereby established and laid out as a public highway to form part of Livery Lane.

   Block 219 in the City of Hamilton, on Plan 62M-635.

   City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.

8. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D., 2003

Mayor

City Clerk

THE CITY OF HAMILTON

BY-LAW NO. 03-

TO INCORPORATE CITY LAND DESIGNATED AS BLOCK 220 ON PLAN 62M-635 INTO LONDONDERRY DRIVE

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001 Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Londonderry Drive within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

7. That the following land is hereby established and laid out as a public highway to form part of Londonderry Drive.

Block 220 in the City of Hamilton, on Plan 62M-635.

City of Hamilton

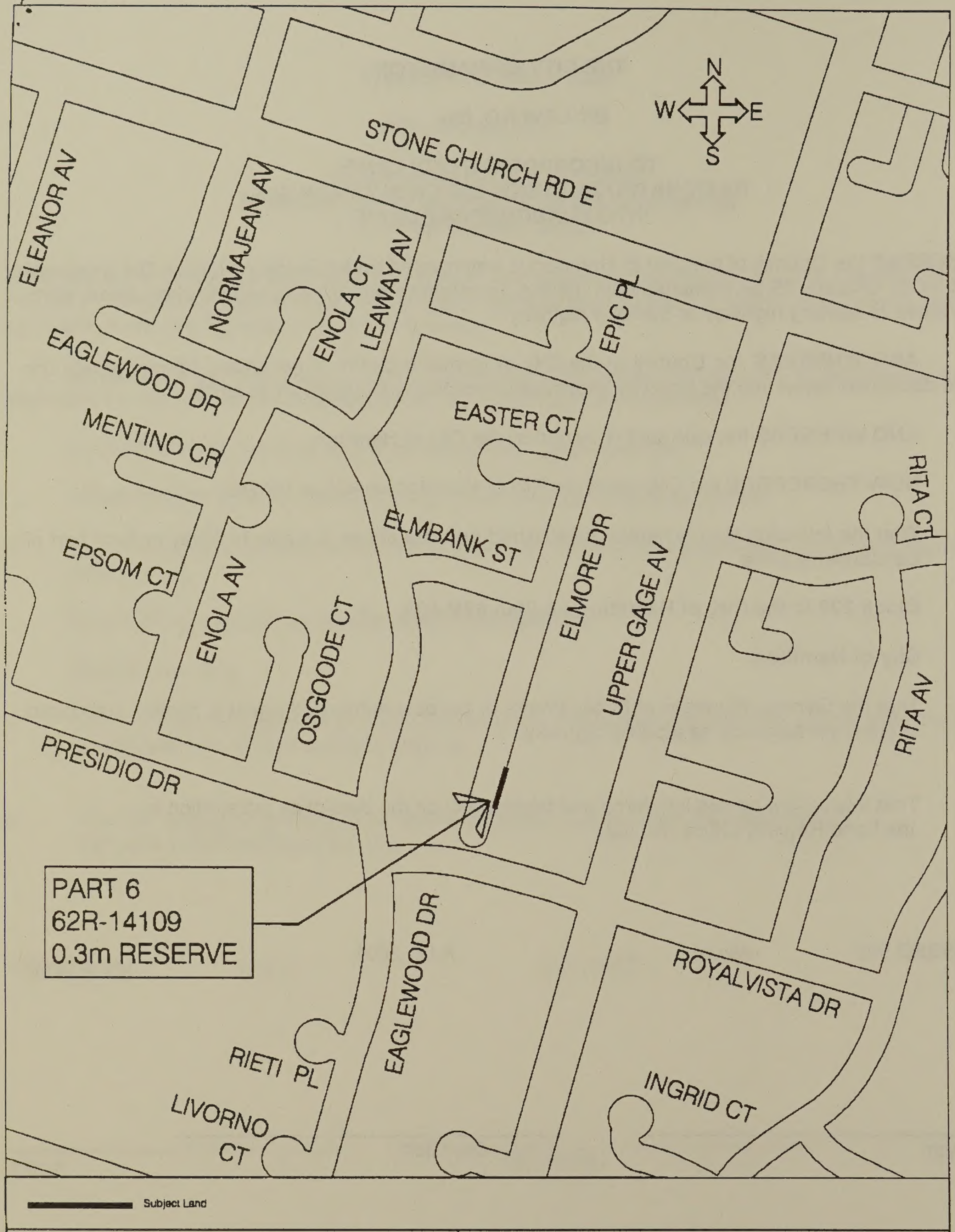
2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.

9. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D., 2003

Mayor

City Clerk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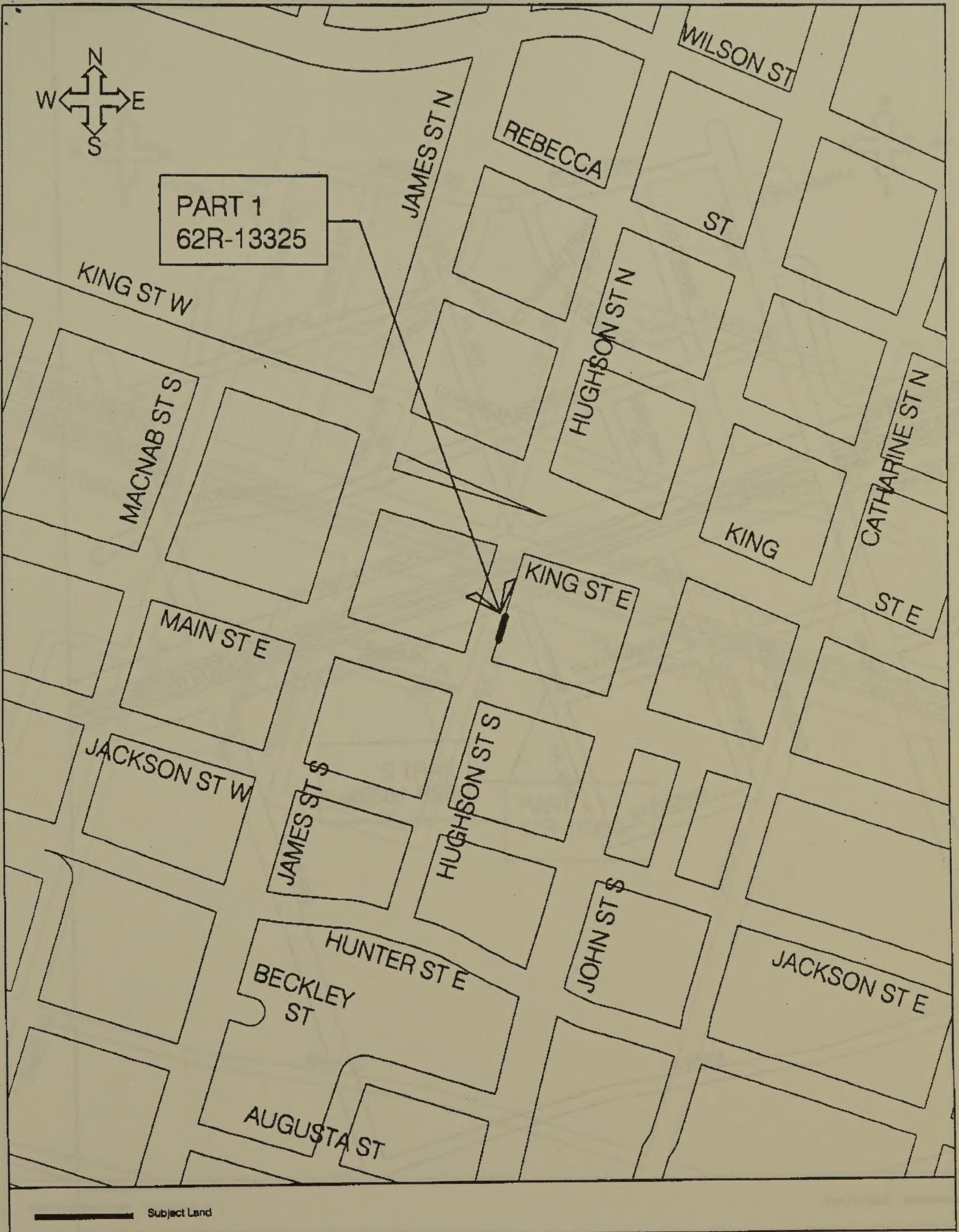
STONE CHURCH RD E
ELEANOR AV
NORMAJEAN AV
ENOLA CT
LEAWAY AV
EPIC PL
EAGLEWOOD DR
MENTINO CR
EASTER CT
ELMBANK ST
ELMORE DR
UPPER GAGE AV
RITA CT
EPSOM CT
ENOLA AV
OSGOODE CT
RITA AV
PRESIDIO DR
PART 6
62R-14109
0.3m RESERVE
EAGLEWOOD DR
ROYALVISTA DR
RIETI PL
LIVORNO CT
INGRID CT
Subject Land

City of Hamilton
By-law
Ward 7
Elmore Drive

CITY OF
HAMILTON
Public Works Department
General Manager, Peter M. Crockett, P.Eng.

DATE: April 23, 2003

N.T.S.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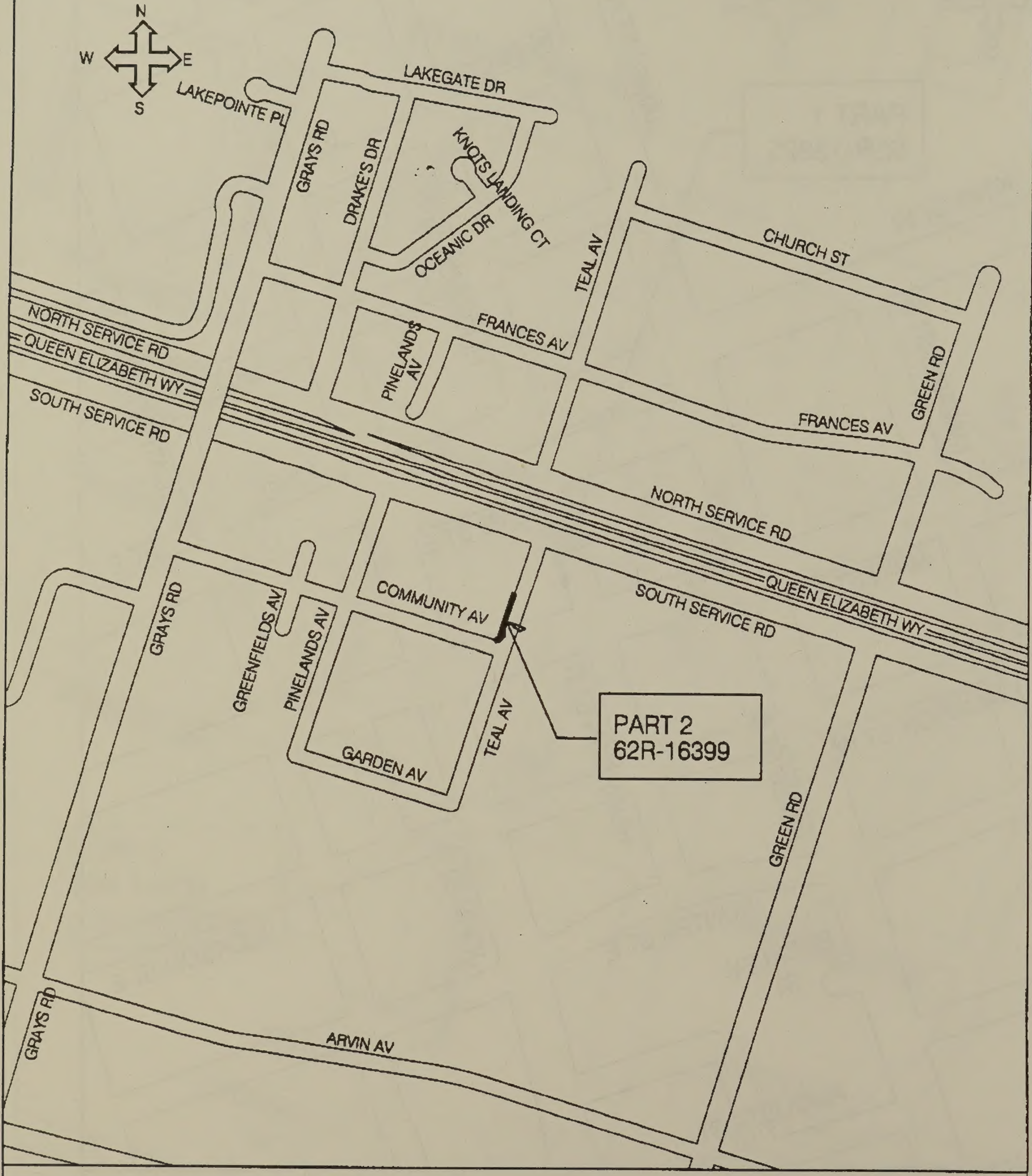
PART 1
62R-13325
WILSON ST
REBECCA
ST
JAMES ST N
KING ST W
HUGHSON ST N
MACNAB ST S
CATHARINE ST N
KING
ST E
KING ST E
MAIN ST E
JACKSON ST W
JAMES ST S
HUGHSON ST S
JOHN ST S
HUNTER ST E
BECKLEY
ST
JACKSON ST E
AUGUSTA ST
Subject Land

City of Hamilton
By-law
Ward 2
Hughson Street South

CITY OF
HAMILTON
Public Works Department
General Manager, Peter M. Crockett, P.Eng.

DATE: April 23, 2003

N.T.S.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GRAYS RD
DRAKE'S DR
KNOTS LANDING CT
OCEANIC DR
TEAL AV
CHURCH ST
FRANCES AV
PINELANDS AV
GREEN RD
FRANCES AV
NORTH SERVICE RD
QUEEN ELIZABETH WY
SOUTH SERVICE RD
NORTH SERVICE RD
QUEEN ELIZABETH WY
SOUTH SERVICE RD
COMMUNITY AV
GRAYS RD
GREENFIELDS AV
PINELANDS AV
TEAL AV
GARDEN AV
GREEN RD
GRAYS RD
ARVIN AV
PART 2
62R-16399

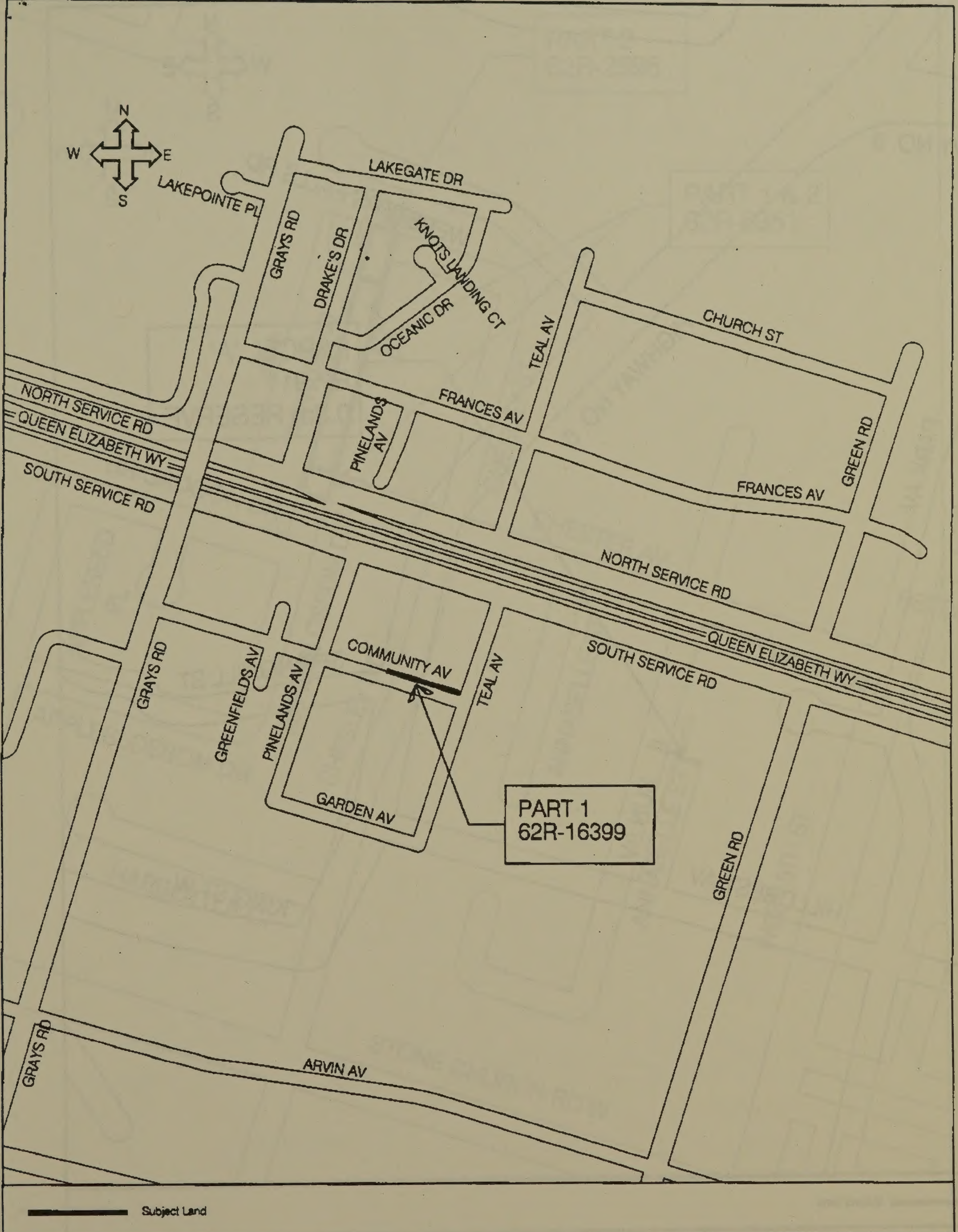
Subject Land

City of Hamilton
By-law
Ward 10
Community Avenue

CITY OF
HAMILTON
Public Works Department
General Manager, Peter M. Crockett, P.Eng.

DATE: April 23, 2003

N.T.S.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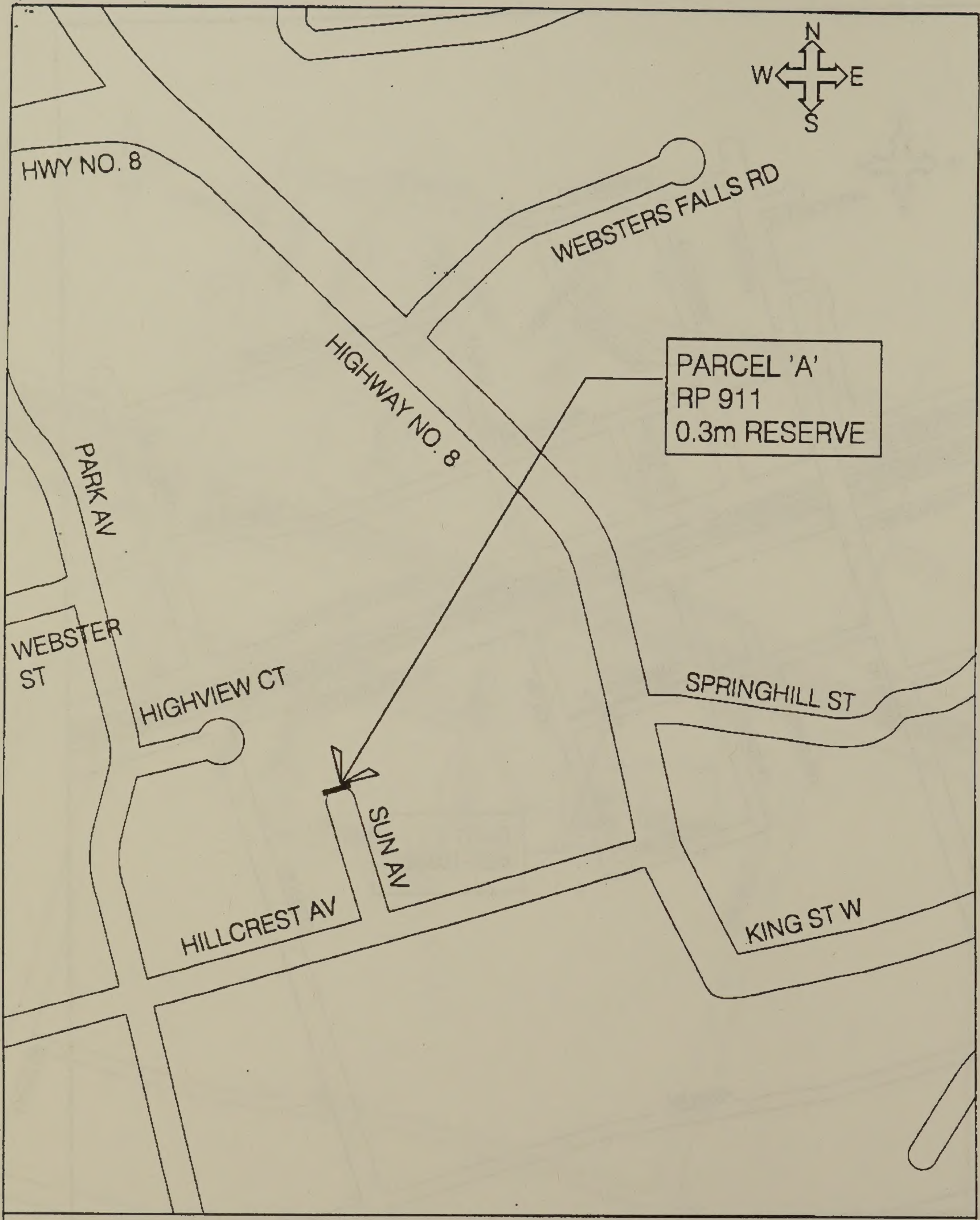
LAKEPOINTE PL
LAKEGATE DR
GRAYS RD
DRAKE'S DR
KNOTS LANDING CT
OCEANIC DR
TEAL AV
CHURCH ST
NORTH SERVICE RD
QUEEN ELIZABETH WY
SOUTH SERVICE RD
FRANCES AV
PINELANDS AV
GREEN RD
FRANCES AV
NORTH SERVICE RD
COMMUNITY AV
TEAL AV
SOUTH SERVICE RD
QUEEN ELIZABETH WY
GRAYS RD
GREENFIELDS AV
PINELANDS AV
GARDEN AV
PART 1
62R-16399
GREEN RD
GRAYS RD
ARVIN AV
Subject Land

City of Hamilton
By-law
Ward 10
Community Avenue

CITY OF
HAMILTON
Public Works Department
General Manager, Peter M. Crockett, P.Eng.

DATE: April 23, 2003

N.T.S.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W
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S
HWY NO. 8
WEBSTERS FALLS RD
HIGHWAY NO. 8
PARCEL 'A'
RP 911
0.3m RESERVE
PARK AV
WEBSTER ST
HIGHVIEW CT
SPRINGHILL ST
SUN AV
HILLCREST AV
KING ST W

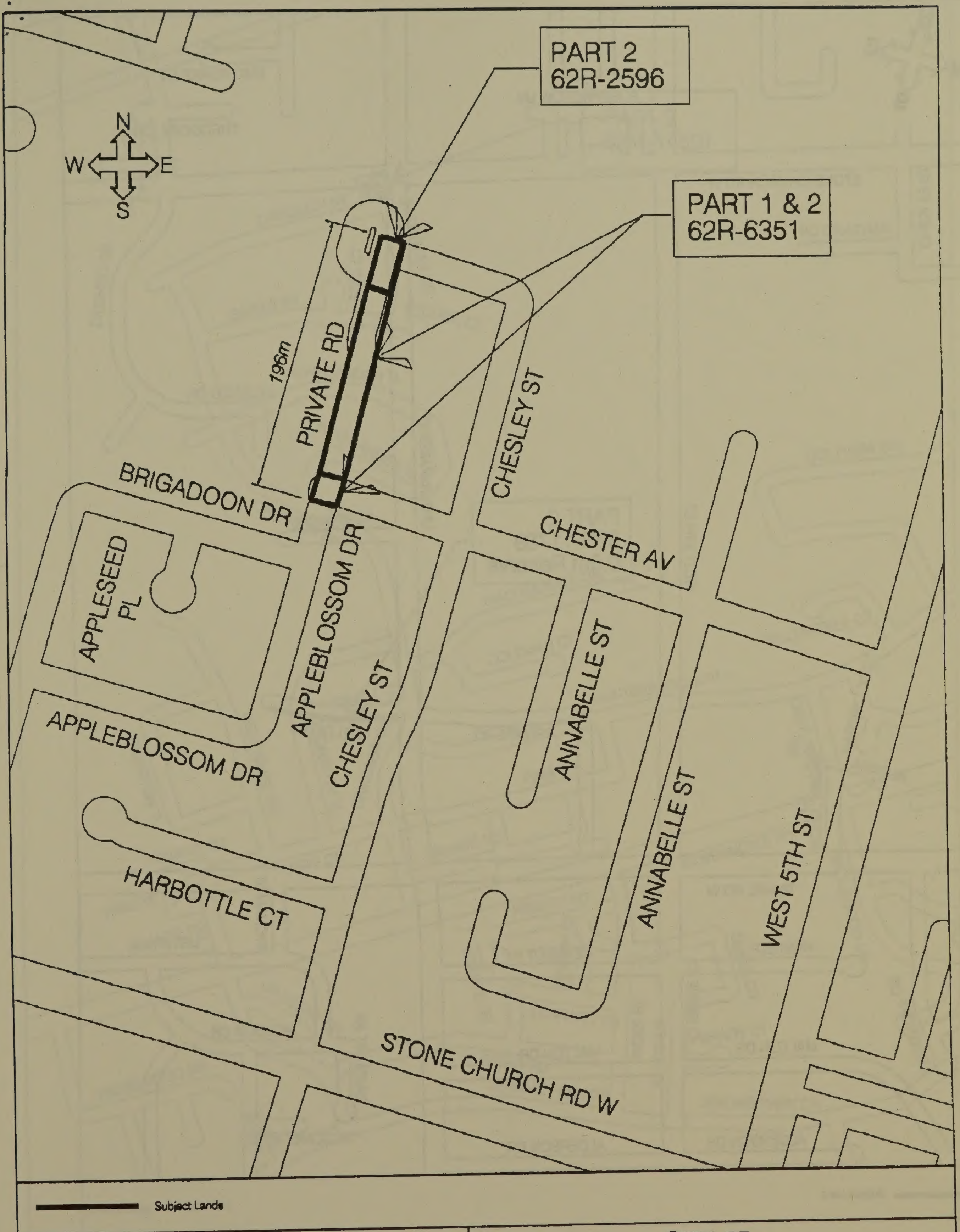
▬ Subject Land

City of Hamilton
By-law
Ward 14
Sun Avenue

CITY OF
HAMILTON
Public Works Department
General Manager, Peter M. Crockett, P.Eng.

DATE: April 23, 2003

N.T.S.


PART 2
62R-2596
PART 1 & 2
62R-6351
N
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196m
PRIVATE RD
BRIGADOON DR
CHESLEY ST
CHESTER AV
APPLESEED PL
APPLEBLOSSOM DR
CHESLEY ST
ANNABELLE ST
APPLEBLOSSOM DR
HARBOTTLE CT
ANNABELLE ST
WEST 5TH ST
STONE CHURCH RD W
Subject Lands

City of Hamilton
By-law
Ward 8
Appleblossom Drive

CITY OF
HAMILTON
Public Works Department
General Manager, Peter M. Crockett, P. Eng.

DATE: April 25, 2003

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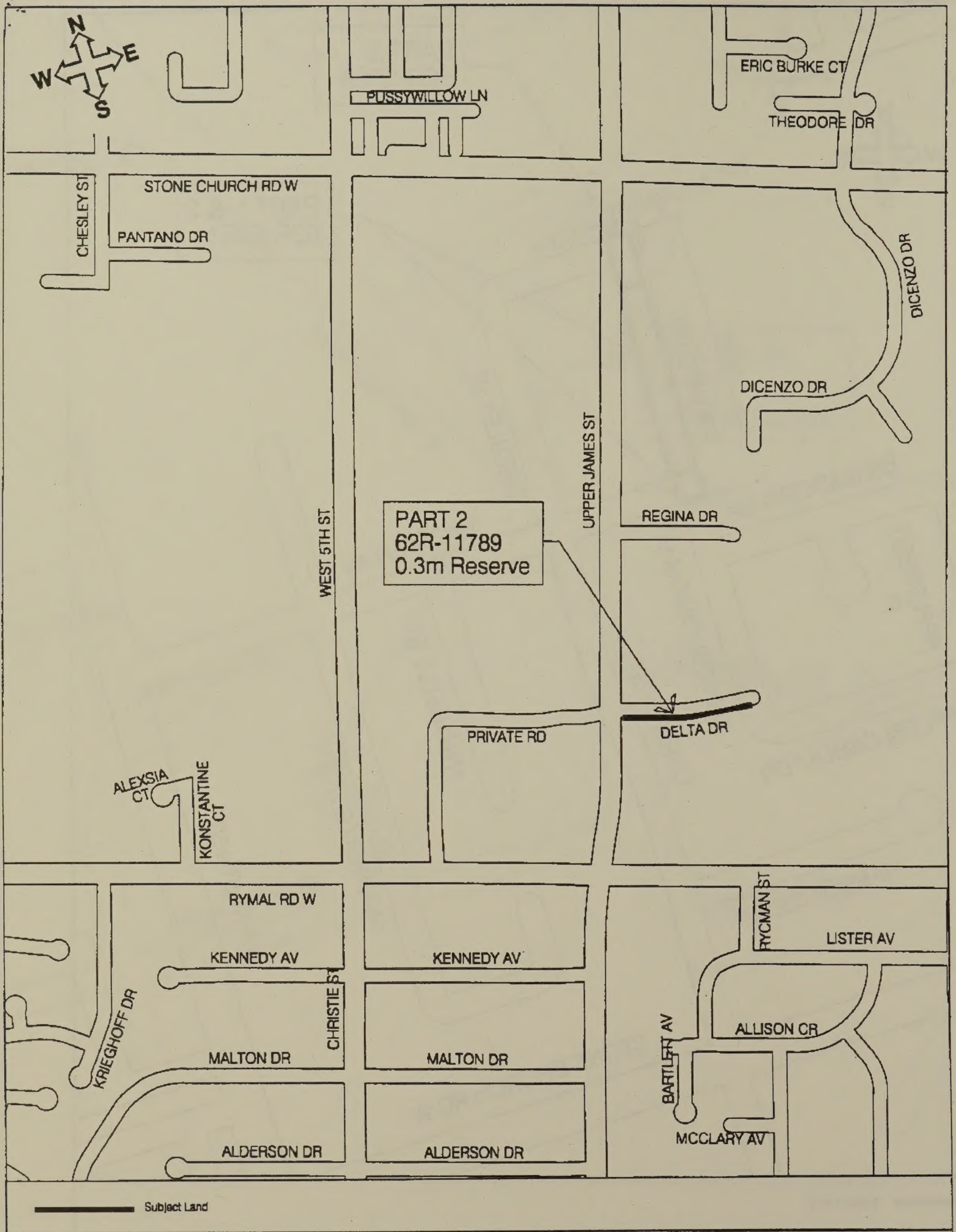
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DELTA DR
ALEXSIA CT
KONSTANTINE CT
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RYCMAN ST
LISTER AV
KENNEDY AV
KENNEDY AV
CHRISTIE ST
KRIEGHOFF DR
MALTON DR
MALTON DR
ALLISON CR
BARTLETT AV
MCCLARY AV
ALDERSON DR
ALDERSON DR
Subject Land

City of Hamilton

By-law

Ward 7

Delta Drive

CITY OF

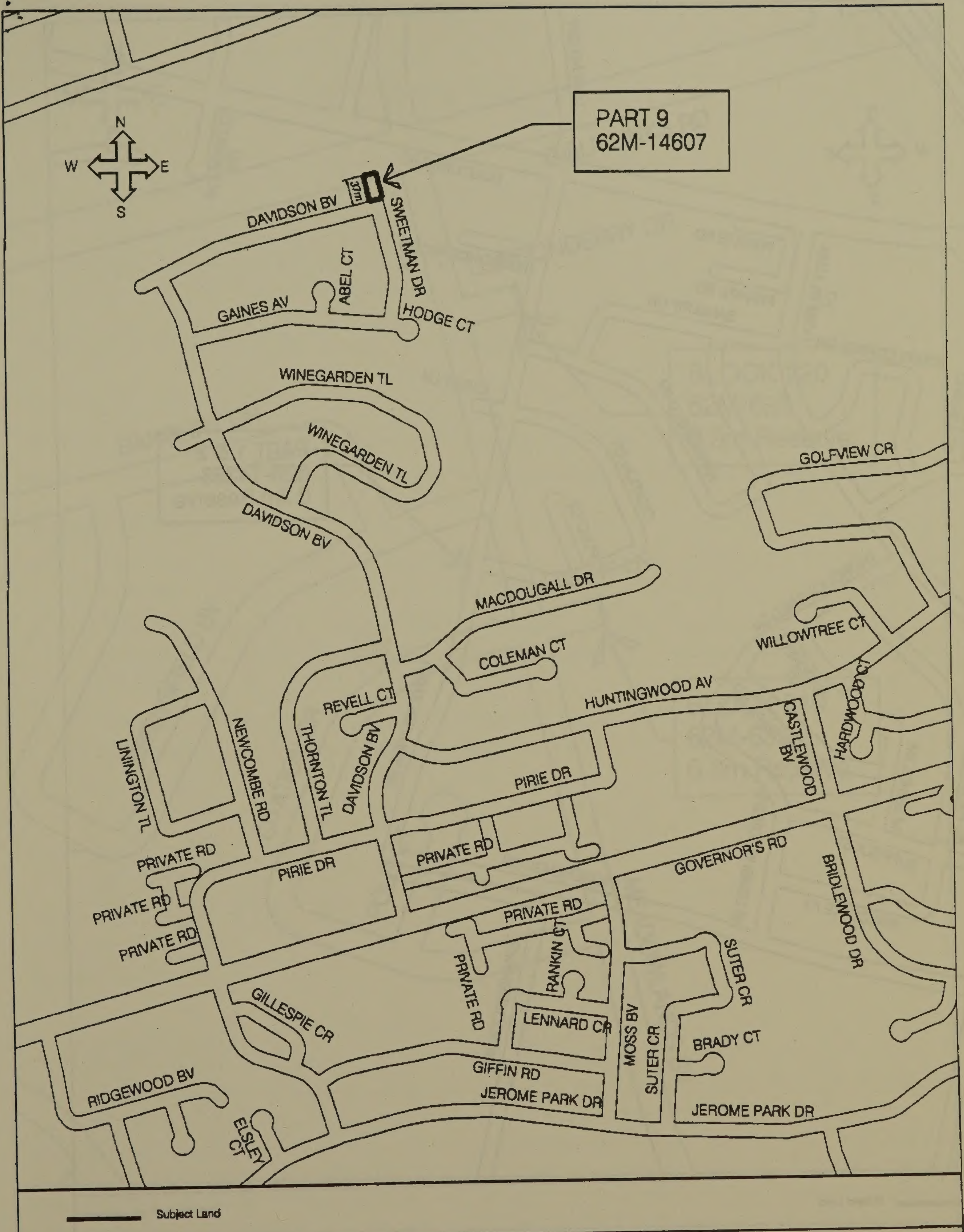
HAMILTON

Public Works Department

General Manager, Peter M. Crockett, P.Eng.

DATE: April 23, 2003

N.T.S.


PART 9
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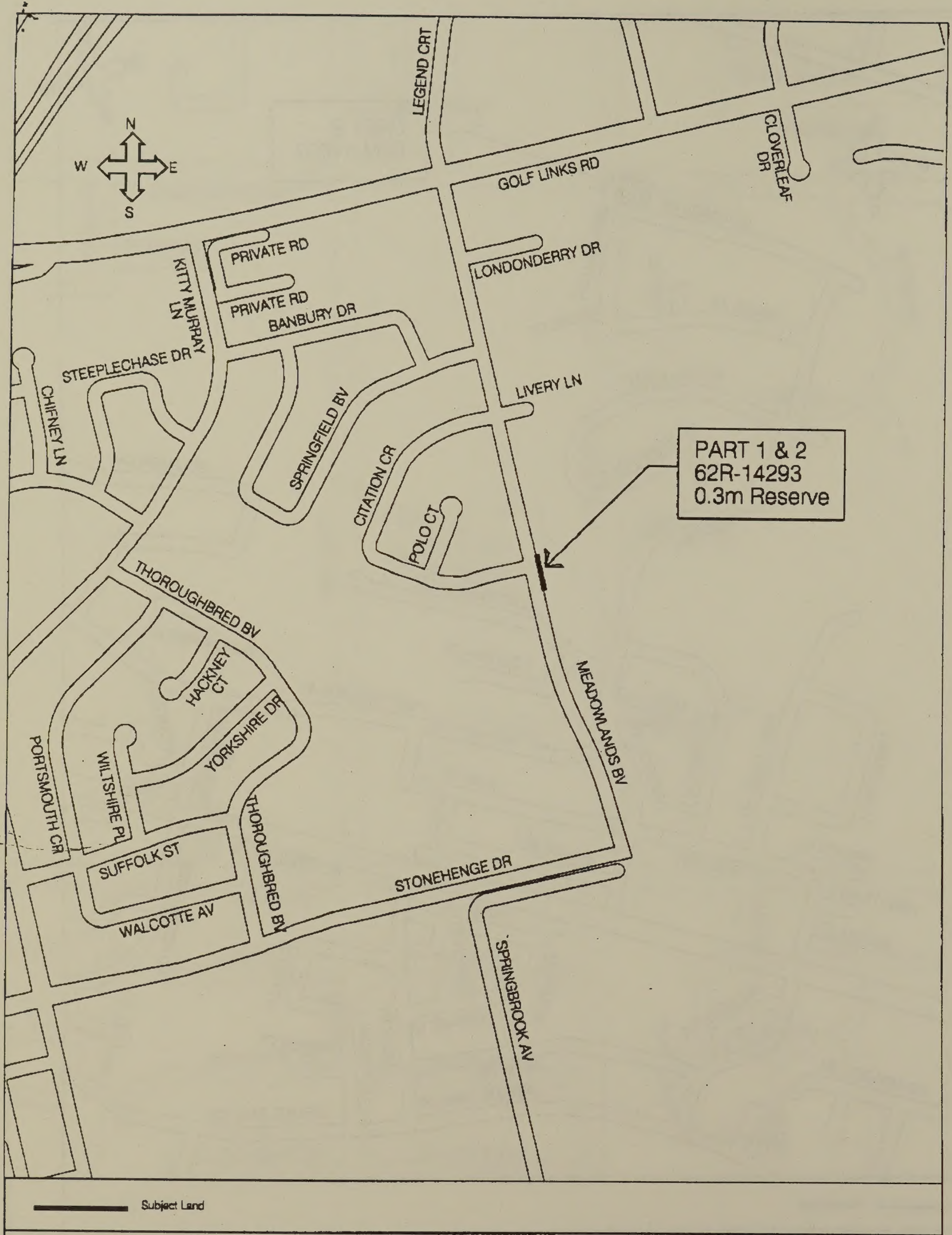
MACDOUGALL DR
COLEMAN CT
WILLOWTREE CT
HUNTINGWOOD AV
REVELL CT
CASTLEWOOD BV
HARDWOOD CT
LININGTON TL
NEWCOMBE RD
THORNTON TL
DAVIDSON BV
PIRIE DR
PRIVATE RD
PIRIE DR
PRIVATE RD
GOVERNOR'S RD
BRIDLEWOOD DR
PRIVATE RD
PRIVATE RD
PRIVATE RD
RANKIN CT
PRIVATE RD
SUTER CR
GILLESPIE CR
LENNARD CR
MOSS BV
SUTER CR
BRADY CT
GIFFIN RD
JEROME PARK DR
JEROME PARK DR
RIDGEWOOD BV
ELSLEY CT
Subject Land

City of Hamilton
By-law
Ward 13
Sweetman Drive

CITY OF
HAMILTON
Public Works Department
General Manager, Peter M. Crockett, P.Eng.

DATE: April 25, 2003

N.T.S.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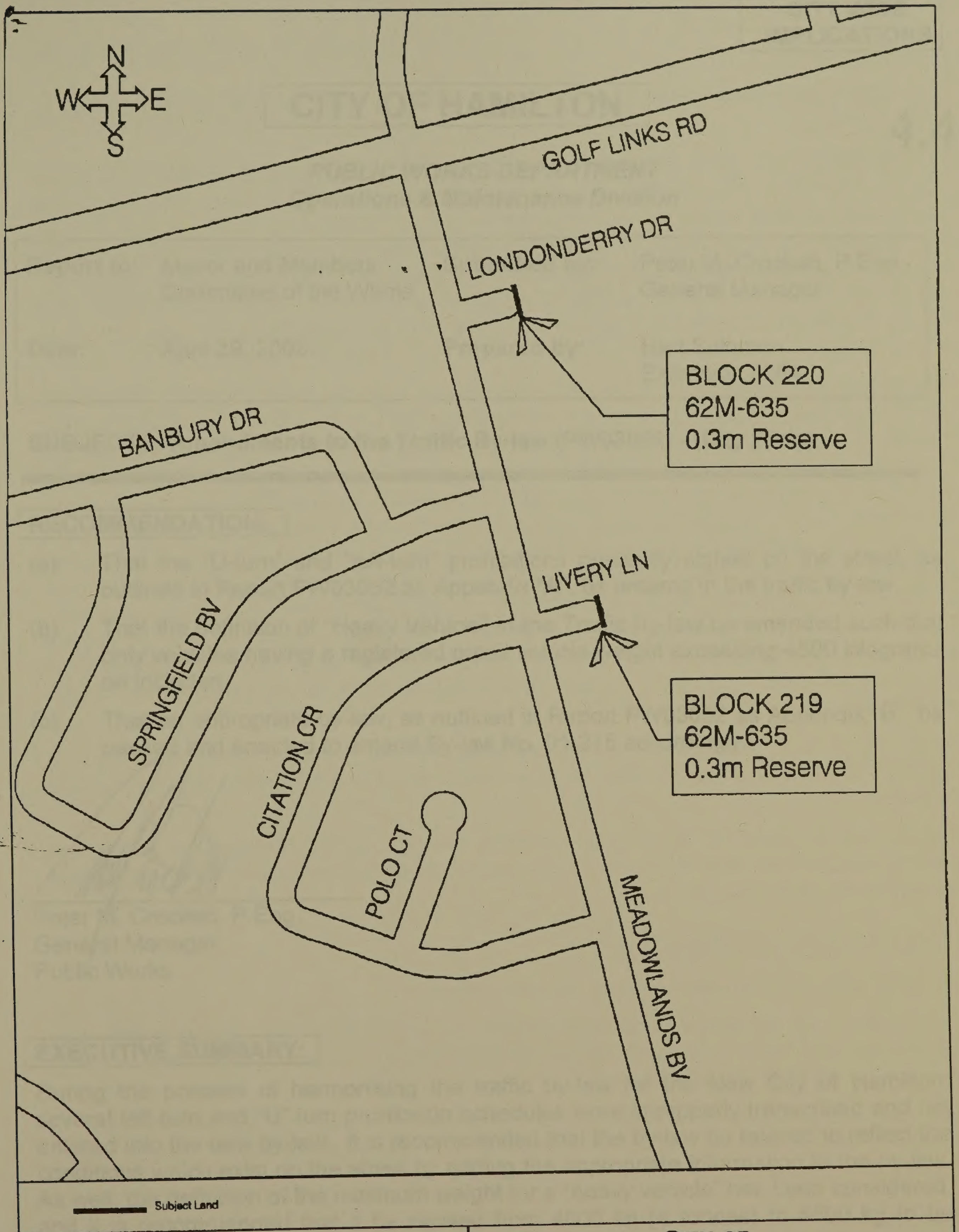
STEEPLECHASE DR
CHIFNEY LN
LIVERY LN
SPRINGFIELD BV
CITATION CR
POLO CT
PART 1 & 2
62R-14293
0.3m Reserve
THOROUGHBRED BV
HACKNEY CT
YORKSHIRE DR
WILTSHIRE PL
PORTSMOUTH CR
MEADOWLANDS BV
SUFFOLK ST
THOROUGHBRED BV
WALCOTTE AV
STONEHENGE DR
SPRINGBROOK AV
Subject Land

City of Hamilton
By-law
Ward 12
Meadowlands Boulevard

CITY OF
HAMILTON
Public Works Department
General Manager, Peter M. Crockett, P.Eng.

DATE: April 23, 2003 N.T.S.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LONDONDERRY DR
BLOCK 220
62M-635
0.3m Reserve
BANBURY DR
LIVERY LN
BLOCK 219
62M-635
0.3m Reserve
SPRINGFIELD BV
CITATION CR
POLO CT
MEADOWLANDS BV
Subject Land

City of Hamilton
By-law
Ward 12
Londonderry Drive and Livery Lane

CITY OF
HAMILTON
Public Works Department
General Manager, Peter M. Crockett, P.Eng.

DATE: April 23, 2003

N.T.S.

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

4.4

PUBLIC WORKS DEPARTMENT
Operations & Maintenance Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	April 29, 2003	**Prepared by:**	Hart Solomon Extension 4584

SUBJECT: Amendments to the Traffic By-law (PW03052) - (City Wide)

RECOMMENDATION:

(a) That the "U-turn" and "left-turn" prohibitions presently signed on the street, as outlined in Report PW03052 as Appendix "A", be entered in the traffic by-law.

(b) That the definition of "Heavy Vehicle" in the Traffic By-law be amended such that only vehicles having a registered gross vehicle weight exceeding 4500 kilograms be included.

(c) That an appropriate by-law, as outlined in Report PW03052 as Appendix "B", be passed and enacted to amend By-law No. 01-215 accordingly.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

During the process of harmonising the traffic by-law for the New City of Hamilton, several left-turn and "U"-turn prohibition schedules were improperly transcribed and not entered into the new by-law. It is recommended that the by-law be revised to reflect the conditions which exist on the street by adding the appropriate information to the by-law. As well, the definition of the minimum weight for a "heavy vehicle" has been considered, and it is recommended that it be revised from 4000 kg (4 tonnes) to 4500 kg to be consistent with provincial regulations. This report recommends that appropriate amendments to the Traffic By-law be enacted to provide for these changes to the City's traffic regulations.

BACKGROUND:

The information/recommendations contained within this report have City wide implications.

On September 18, 2001, Council enacted By-law No. 01-215 to Regulate Traffic in the City of Hamilton. The subject by-law was the result of a process that sought to harmonise various traffic regulations previously in force and effect in the former municipalities of Ancaster, Dundas, Flamborough, Glanbrook, Hamilton, Stoney Creek and the Region of Hamilton-Wentworth. Unfortunately, as a result of transcription error, several U-turn and left-turn prohibitions were omitted from the harmonised by-law. This report, therefore, proposes the correction of this error by amending the Traffic By-law to reflect conditions on the street.

Recommendation (b) brings the definition of "Heavy Vehicle", as found in the Traffic By-law, into conformity with Section 16(1) of the Highway Traffic Act. The Act requires that no person shall operate a commercial vehicle having a registered gross vehicle weight in excess of 4500 kilograms, with certain exceptions such as emergency vehicles, unless the operator is the holder of a valid Commercial Vehicle Operators Registration certificate. Given that the Province deems 4500 kilograms to be the appropriate weight threshold for certification purposes, staff recommends that the City adopt the same threshold respecting heavy vehicles and truck routes to simplify enforcement of the City's Truck Route regulations and reduce confusion among heavy vehicle operators. This will also exempt certain personal use trucks that, because the weight just slightly exceeds 4000 kg (the present limit), have been subject to enforcement in the past, but which are not deemed to be a concern from the perspective of road structure or citizen complaint.

It should be noted that the definitions of Heavy Vehicle in both the Municipal Parking Facilities By-law and the Parking By-law reflect the 4500 kilogram weight threshold described above.

Signing will be erected at all City entrance points defining background traffic and parking regulations and the truck route weight limits will be one of the regulations defined at the entrance points.

ANALYSIS OF ALTERNATIVES:

An option would be to take no action on either issue.

With respect to recommendation (a), taking no action would render unenforceable regulations that were formerly in force, notwithstanding the existence of signs now in place. The signs would be removed.

With respect to recommendation (b), taking no action would reduce the efficiency of enforcement operations and not act toward reducing any confusion among heavy vehicle operators as to the definition of a "heavy vehicle".

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds have already been allocated in the capital budget to accommodate the costs of erecting the new signs at City entrance points, and this account will support the erection of signs to advise of the truck route regulations.

POLICIES AFFECTING PROPOSAL:

The subject recommendations are consistent and in compliance with the City's policies respecting enforcement and legislation.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Parking and Enforcement Operations, the Hamilton Police Service (Division Safety Office), and Legal Services and Corporate Counsel (Prosecutions Branch) were each consulted and concur with the subject recommendations.

CITY STRATEGIC COMMITMENT:

The subject recommendations comply with the "Safety and Security" component of the City's Strategic Commitment in that appropriate Traffic regulations contribute to the "identification, reduction and management of risks"; specifically, risks associated with traffic conflicts.

Prohibited Left Turns On Red Light (Schedule 11 of By-law No. 01-215)

Section G (Former Regional Roads)

Column 1 Highway	Column 2 Direction	Column 3 Intersection	Column 4 Time/Day
Birch Ave.	Southbound	Wilson St.	Anytime
King St. (South Leg)	Westbound	James St.	Anytime
James St.	Southbound	Main St.	Anytime
James St.	Southbound	Wilson St.	Anytime
John St.	Northbound	King St.	Anytime
Main St.	Eastbound	King St.	Anytime
Main St.	Eastbound	Locke St.	Anytime
Queen St.	Southbound	Main St.	Anytime
Sherman Ave.	Northbound	Cannon St.	Anytime
Wilson St.	Eastbound	Sherman Ave.	Anytime

No "U"-Turns (Schedule 11 of By-law No. 01-215)

Section G (Former Regional Roads)

Column 1 Highway	Column 2 Direction	Column 3 Intersection	Column 4 Time/Day
Burlington	Westerly	Kenilworth	Anytime
Cootes	Easterly and Westerly	East	Anytime
Cootes	Easterly and Westerly	Olympic	Anytime

Cootes	Easterly and Westerly	Thorpe	Anytime
Dundurn	Southerly	Median opening opposite northerly driveway from Super Carnaval	Anytime
Golf Links	Westerly	Neville Drive/ Cloverleaf Drive	Anytime
Main	Westerly	Emerson	4:00 p.m. - 6:00 p.m. Monday to Friday
Ottawa	Northerly	McAnulty	Anytime
Ottawa	Northerly	Beach Rd. (northerly connection)	Anytime
Queenston	Easterly	170 feet east of Pottruff	Anytime
York	Easterly	Locke	Anytime
York	Westerly	Locke	Anytime
York	Easterly	Dundurn	Anytime
York	Westerly	Dundurn	Anytime
York	Easterly	Oxford	7:00 a.m. - 9:00 a.m. Monday to Friday

Appendix "B"
Report No. PW03052

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. 03-

To Amend By-law No. 01-215, as amended, Being a By-law To Regulate Traffic

WHEREAS Section 11(1)1 of the Municipal Act, S.O. 2001, Chapter 25, confers upon the councils of all single tier municipalities the power to pass by-laws respecting highways, including parking and traffic on highways;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic on highways under its jurisdiction;

AND WHEREAS it is necessary to amend By-law No. 01-215, as amended;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 11 (No Left Turn on Red) of By-law No. 01-215, as amended, is hereby further amended adding to Section "G" thereof the following items, namely:

"Birch Ave.	Southbound	Wilson St.	Anytime
King St. (South Leg)	Westbound	James St.	Anytime
James St.	Southbound	Main St.	Anytime
James St.	Southbound	Wilson St.	Anytime
John St.	Northbound	King St.	Anytime
Main St.	Eastbound	King St.	Anytime
Main St.	Eastbound	Locke St.	Anytime
Queen St.	Southbound	Main St.	Anytime
Sherman Ave.	Northbound	Cannon St.	Anytime
Wilson St.	Eastbound	Sherman Ave.	Anytime"

2. Schedule 12 (No “U” Turns) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "G" thereof the following items, namely:

“Burlington	Westerly	Kenilworth	Anytime
Cootes	Easterly and Westerly	East	Anytime
Cootes	Easterly and Westerly	Olympic	Anytime
Cootes	Easterly and Westerly	Thorpe	Anytime
Dundurn	Southerly	Median opening opposite northerly driveway from Super Carnaval	Anytime
Golf Links	Westerly	Neville Drive/ Cloverleaf Drive	Anytime
Main	Westerly	Emerson	4:00 pm - 6:00 pm Monday to Friday
Ottawa	Northerly	McAnulty	Anytime
Ottawa	Northerly	Beach Rd. (northerly connection)	Anytime
Queenston	Easterly	170 feet east of Pottruff	Anytime
York	Easterly	Locke	Anytime
York	Westerly	Locke	Anytime
York	Easterly	Dundurn	Anytime
York	Westerly	Dundurn	Anytime
York	Easterly	Oxford	7:00 am - 9:00 am Monday to Friday”

3. Section 56 of By-law 01-215, as amended, is hereby further amended by deleting Subsection (1) therefrom, in its entirety, and inserting in its place the following Subsection, namely:

"(1) For the purpose of this section "heavy traffic" means and includes any vehicle or trailer for which a permit fee under the Highway Traffic Act is based upon a weight of vehicle and load in excess of 4500 kilograms, excepting however buses, fire fighting equipment, public utility vehicles and authorized emergency vehicles; and"

4. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, as amended, including all Schedules thereto, is hereby confirmed unchanged.

5. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this day of , 2003

MAYOR

CLERK

AFFECTS WARD 11

CITY OF HAMILTON

4.5

PUBLIC WORKS DEPARTMENT
Operations & Maintenance Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	April 29, 2003	**Prepared by:**	Rob Galloway Extension 4585

SUBJECT: **Intersection Controls - Fifty Road Joint Venture Phase 2 (PW03053) - (Ward 11)**

RECOMMENDATION:

(a) That westbound traffic on Watercliff Place be required to stop for northbound and southbound traffic on Fifty Road.

(b) That westbound traffic on Gracehill Drive be required to stop for northbound and southbound traffic on Sandbeach Drive.

(c) That westbound traffic on Cardigan Place be required to stop for northbound and southbound traffic on Sandbeach Drive.

(d) That westbound traffic on Oakrun Street be required to stop for northbound and southbound traffic on Springstead Avenue.

(e) That eastbound traffic on Oakrun Street be required to stop for northbound and southbound traffic on Westhampton Way.

(f) That northbound traffic on Westhampton Way be required to stop for eastbound and westbound traffic on Springstead Avenue.

(g) That southbound traffic on Westhampton Way be required to stop for eastbound and westbound traffic on Peeble Valley Avenue.

(h) That northbound traffic on Islandview Way be required to stop for eastbound and westbound traffic on Springstead Avenue.

(i) That eastbound traffic on Peeble Valley Avenue be required to stop for southbound traffic on Islandview Way.

(j) That westbound traffic on Greenstem Crescent be required to stop for southbound traffic on Islandview Way.

(k) That northbound traffic on Cardiff Lane be required to stop for eastbound and westbound traffic on Springstead Avenue.

(l) That southbound traffic on Cardiff Lane be required to stop for eastbound and westbound traffic on Greenstem Crescent.

(m) That northbound traffic on Ridgegate Place be required to stop for eastbound and westbound traffic on Springstead Avenue.

(n) That northbound traffic on Sandbeach Drive be required to stop for eastbound and westbound traffic on Delrosa Way.

(o) That southbound traffic on Sandbeach Drive be required to stop for eastbound and westbound traffic on Kingspoint Circle.

(p) That northbound traffic on Delrosa Way be required to stop for eastbound and westbound traffic on Watercliff Place.

(q) That the by-law outlined in Report PW03053 as Appendix A to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

A new subdivision is being constructed and it is appropriate to designate right-of-way control for pedestrians and motorists at intersections. Installation is funded with capital raised through the subdivision agreement.

Phase Two of Fifty Point Joint Venture is located east of Fifty Road and west of Fifty Point Conservation Area between the QEW and Lake Ontario. There are 177 single unit homes and 7 Townhouse sites to be erected in this subdivision.

Twelve ‘T’ type intersections are being designated for stop control on the stem of the ‘T’s. One ‘T’ type intersection, Peeble Valley Avenue and Greenstem Crescent at Islandview Way, which will be a four legged intersection with future development, is being designated the right of way for the current stem of the ‘T’, as the remaining leg will be the stop street in the future. Two stop controls are proposed where new streets will create four-legged intersections, Westhampton Way at Springstead Avenue and Cardiff Lane/Easthampton Road at Springstead Avenue, within the existing subdivision. The implementation of these stop controls will promote safe and efficient traffic movements in the subdivision.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 11

The Traffic Engineering office received a plan for a new subdivision from the Planning and Development Department. It is appropriate to install stop control at intersections to define the right-of-way rules for motorists and pedestrians. It is therefore recommended that these stop controls be implemented in the Fifty Road Joint Venture Phase 2 subdivision.

ANALYSIS OF ALTERNATIVES:

One alternative to implementing stop control at these intersections would be to take no action. The Ontario Highway Traffic Act stipulates that all traffic approaching an uncontrolled intersection must yield the right-of-way to traffic approaching from the right. However, in the interest of public safety, proactive implementation of stop controls is recommended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available in the regular current accounts to cover the costs of manufacturing, erecting and maintaining the required signs. Funding is received through the subdivision agreement.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The installation of stop control is a standard traffic operations procedure, and does not require consultation with other departments or agencies.

CITY STRATEGIC COMMITMENT:

The implementation of stop control at these intersections will clearly define the right-of-way, thus reducing the potential for collisions and providing a safer community environment. This approach reinforces the City's Vision 2020 goals of reducing risks and developing a safer physical environment.

Appendix A
Report PW03053

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. 03-

To Amend By-law No. 01-215
Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "F" thereof the following items, namely:

“Cardiff Lane	Northbound	Springstead Avenue
Cardiff Lane	Southbound	Greenstem Crescent
Cardigan Place	Westbound	Sandbeach Drive
Delrosa Way	Northbound	Watercliff Place
Gracehill Drive	Westbound	Sandbeach Drive
Greenstem Crescent	Westbound	Islandview Way
Islandview Way	Northbound	Springstead Avenue

Oakrun Street	Eastbound	Westhampton Way
Oakrun Street	Westbound	Springstead Avenue
Peeble Valley Avenue	Eastbound	Islandview Way
Ridgegate Place	Northbound	Springstead Avenue
Sandbeach Drive	Northbound	Delrosa Way
Sandbeach Drive	Southbound	Kingspoint Circle
Watercliff Place	Westbound	Fifty Road
Westhampton Way	Northbound	Springstead Avenue
Westhampton Way	Southbound	Peeble Valley Avenue”

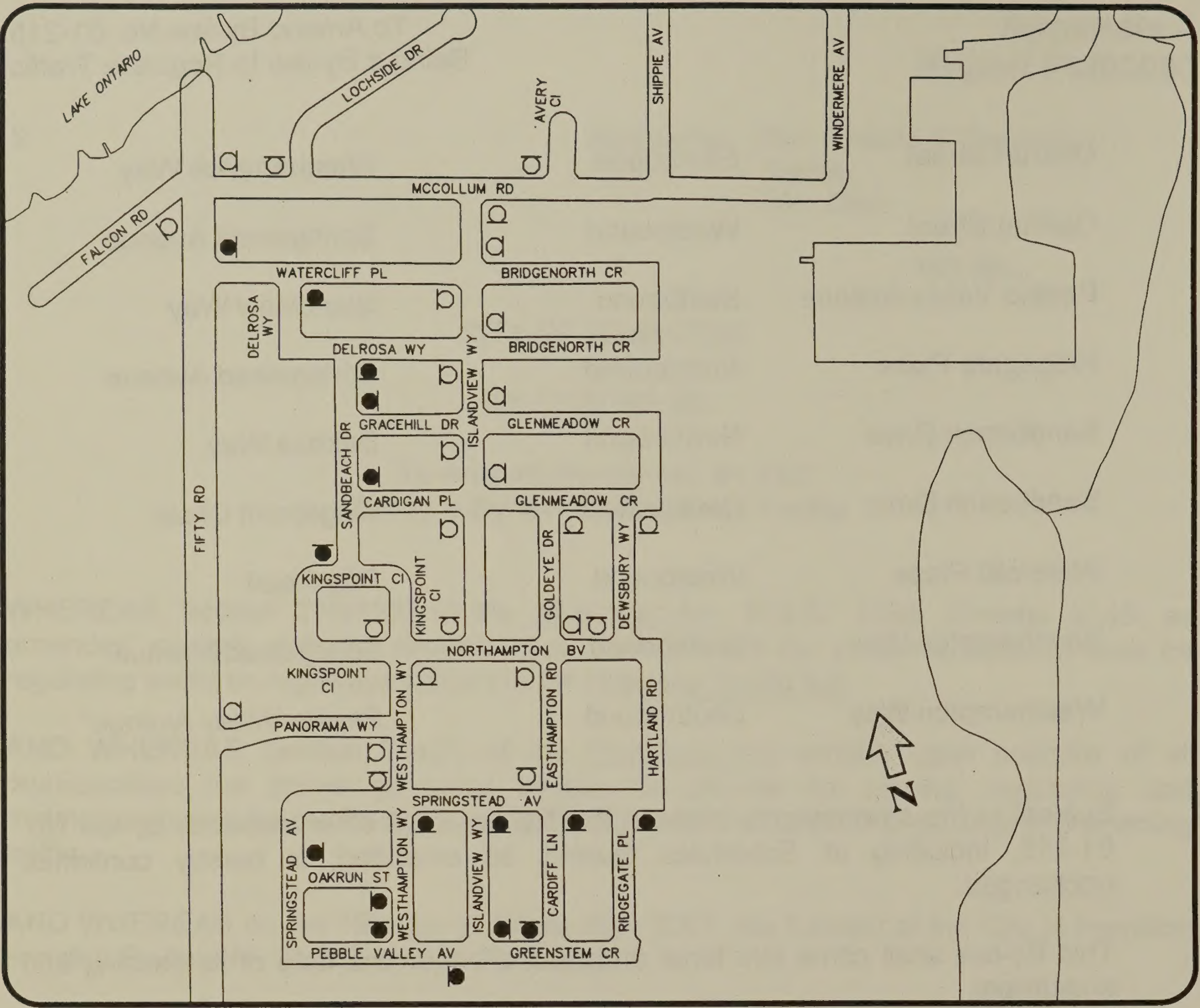
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this day of , 2003

MAYOR

CLERK


LAKE ONTARIO
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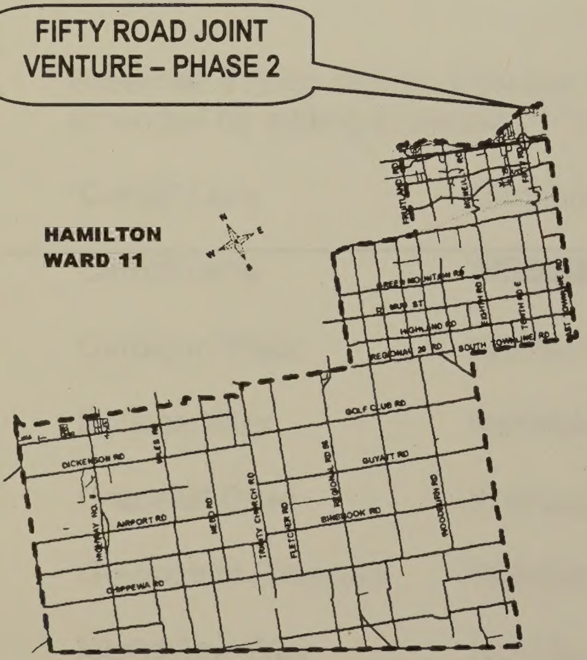
AVERY CI
SHIPPIE AV
WINDERMERE AV
MCCOLLUM RD
FALCON RD
WATERCLIFF PL
BRIDGENORTH CR
DELROSA WY
DELROSA WY
BRIDGENORTH CR
ISLANDVIEW WY
GRACEHILL DR
GLENMEADOW CR
SANDBEACH DR
CARDIGAN PL
GLENMEADOW CR
FIFTY RD
GOLDEYE DR
DEWSBURY WY
KINGSPOINT CI
KINGSPOINT CI
NORTHAMPTON BV
KINGSPOINT CI
WESTHAMPTON WY
EASTHAMPTON RD
HARTLAND RD
PANORAMA WY
SPRINGSTEAD AV
SPRINGSTEAD AV
OAKRUN ST
WESTHAMPTON WY
ISLANDVIEW WY
CARDIFF LN
RIDGEGATE PL
PEBBLE VALLEY AV
GREENSTEM CR
N

KEY MAP


FIFTY ROAD JOINT VENTURE – PHASE 2
HAMILTON WARD 11
N
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S
W
GOLF CLUB RD
DICKENSON RD
AIRPORT RD
GUYATT RD
BINBROOK RD
CHIPPEWA RD
HIGHLAND RD
MUD ST

LOCATION PLAN

STOP CONTROLS:
FIFTY ROAD
JOINT VENTURE - PHASE 2
SUBDIVISION

CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

LEGEND

➡ SUBJECT INTERSECTION

RECOMMENDED	EXISTING
● TRAFFIC SIGNAL	○ TRAFFIC SIGNAL
● STOP SIGN	D STOP SIGN
▼ YIELD SIGN	▽ YIELD SIGN
◆ ROUNDABOUT	◇ ROUNDABOUT

SCALE	DATE
NOT TO SCALE	**2003-04-29**

REFERENCE FILE NO: **PW03053**

Affects Wards 1,2,3,4,5

CITY OF HAMILTON

4.6

ECONOMIC DEVELOPMENT DEPARTMENT

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Neil Everson, Executive Director
Date:	May 6, 2003	**Prepared by:**	Peter Minkiewicz (x5363) Luciano Piccioni (x4381)

SUBJECT: **Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (CIP) - 2002 Year End Report (ECO03009) (Wards 1,2,3,4,5)**

RECOMMENDATION:

a) That Report ECO03009 – Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (CIP) – 2002 Year End Report be received for information.

Neil Everson, Executive Director
Economic Development

EXECUTIVE SUMMARY:

Report ECO03009 summarizes activities relating to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (CIP). This report provides an overview of program activity from inception of the ERASE CIP in October 2001, to year-end 2002 (December 31, 2002).

Take-up of the program has been better than expected for large-scale incentive programs of this nature, which typically require several years to mature and develop. A total of five (5) applications were received in 2002 under the ERASE CIP and two (2) applications were approved, with the other three applications currently in the approvals process.

Applications approved under the ERASE Program in 2002 resulted in the construction/refurbishment of 228,000 sq.ft. of building space on approximately 11.3 acres of underutilized industrial land. These developments involved the creation of 12 new full-time jobs and the retention of 4 full-time positions. These projects have resulted in an estimated increase in assessed value of $6,000,000 with an estimated increase in long-term property tax revenues to the City and Province of $358,000.

Four (4) ERASE Program applications have already been received in the first four months of 2003, for a total of nine (9) applications in 18 months since program inception. This is in line with original estimates of ERASE program applications between 5 and 10 per year, once the program was operating for a few years. The number of applications is expected to increase once the ERASE CIP is expanded later this year to cover the entire urban area of Hamilton.

BACKGROUND:

Program Description

The ERASE CIP was adopted and approved with the express purpose of providing assistance for the rehabilitation and redevelopment of brownfield sites. The rationale supporting the ERASE CIP is an understanding that there is a “public good” underlying environmental remediation of contaminated and underutilized sites. This “public good” is realized in many forms, including:

- increased tax assessment for the City and the Province;
- the creation of employment opportunities;
- utilization of existing infrastructure resulting in a reduction of urban sprawl and its related costs (hard and soft services);
- contribution towards the revitalization of particular areas and neighbourhoods; and,
- environmental restoration which can remove threats to the health of workers and residents.

As its name suggests, the ERASE CIP represents an important step in the City of Hamilton’s efforts to “erase” brownfield sites and replace them with productive economic uses. Innovative in its approach, the ERASE CIP was awarded the Economic Development Achievement of the Year Award in 2002 by the Economic Development Association of Canada (EDAC). This was in addition to a number of Provincial and National awards in 2001. The ERASE CIP has become a model for other municipalities in the Province of Ontario developing brownfield redevelopment plans and incentive programs, including the City of Guelph and the City of Kingston.

Currently the ERASE CIP contains the following major program components providing financial incentives to the development industry:

1. ERASE Redevelopment Grant Program (ERG) – provides tax-increment based grants tied to the costs of environmental remediation, demolition and infrastructure upgrading. This program is designed to offset the increase in municipal taxes that results from an increase in property assessment due to the remediation and redevelopment of brownfield properties;
2. ERASE Study Grant Program (ESG) – provides grants to offset up to half of the costs of environmental studies; and,

3. ERASE Planning and Development Fees Program (PDF) – provides rebates of various municipal fees depending upon the type of use/location within the project area.

The ERASE CIP also contains the following proactive municipal leadership programs:

4. ERASE Redevelopment Opportunities Marketing and Data Base Program – an education, marketing and data base program to provide information to developers on ERASE programs and development opportunities; and,

5. ERASE Municipal Property Acquisition, Investment and Partnership Program – a more proactive approach on the part of the municipality to acquire, rehabilitate and redevelop brownfield properties, both directly and in partnership with the private sector.

ERASE Program Activity for 2002

Since the introduction of the ERASE Plan, staff of the Economic Development Department have been actively marketing the ERASE Plan/Programs to the development, real estate, and environmental consulting industries. This has been accomplished through numerous presentations and meetings with industry associations and trade groups, direct marketing and meetings with developers and end-users, and distribution of marketing materials in print format, and on the City's web site. Extensive pre-consultation with prospective applicants has served to provide a focus for ERASE applications and to ensure that only eligible applications are submitted. This streamlines the applications review and approvals process, and helps to ensure efficient use of staff resources. The following table provides a summary of application and approval activity under the ERASE Programs for 2002.

Table 1 ERASE CIP Program Activity - 2002 Year End

Program Description	Applications Received	Applications Approved	Applications Being Processed
ERASE Redevelopment Grant (ERG)	2	1	1
ERASE Study Grant (ESG)	3	1	2
ERASE Planning and Development Fees Rebates (PDF)	0	0	0

To the end of 2002, two (2) ERASE applications were approved representing a total of $987,100 in grant commitments under the terms of the ERASE CIP ($985,000 in ERG tax-increment based financing costs, and $2,100 in ESG costs). This $987,100 grant commitment has already resulted in the construction or refurbishment of 228,000 sq. ft of industrial space on approximately 11.3 acres of land by the private sector, the creation of 12 new full-time jobs and the retention of 4 existing full-time positions. These projects have resulted in an estimated increase in assessed value of $6,000,000 with an estimated increase in long-term property tax revenues to the City and Province of $358,000. In total, the $987,100 grant commitment under the ERASE CIP has leveraged $14,200,000 in construction project spending. This represents an impressive leverage ratio of 14.4, demonstrating the highly effective private investment leveraging capabilities of the ERASE CIP.

ERASE Program Activity for 2003 (To Date)

With four applications in the first four months of 2003, it appears that an increased number of ERASE applications will be received in 2003. This is a positive sign with respect to increased take-up of the program on the part of the development industry. The following table provides a summary of application and approval activity under the ERASE Programs to date in 2003:

Table 2 ERASE CIP Programs - Activity 2003 Year to Date

Program Description	Applications Received	Applications Being Processed	Applications Approved to Date (04/2003)
ERASE Redevelopment Grant (ERG)	2	3	0
ERASE Study Grant (ESG)	0	2	2
ERASE Planning and Development Fees Rebates (PDF)	2	0	2

Pilot Projects

As directed by Council when the ERASE CIP was approved in late 2001, staff have been actively evaluating pilot project opportunities. In January of this year, Council approved the City's participation in brownfield pilot project. This project involves the sale of City owned contaminated lands on Beach Boulevard to a developer and the commitment of $175,000 from the City's $500,000 Brownfield Pilot Project Account toward the clean-up and redevelopment of these lands in addition to the developer's lands. This project will result in the construction of 90 new residential units on Beach Boulevard. The developer recently submitted his development applications to the Planning and Development Department.

Staff continue to examine other pilot project opportunities. This includes the recent Council approval of an RFP for City-owned lands at Wellington Street North and Ferguson Avenue North. Staff are now in the process of preparing this RFP.

Next Steps

A comprehensive policy review of the ERASE CIP is currently underway. An amended ERASE CIP will be presented to City Council for adoption in 2003. Considerable client input and experience from working with the ERASE CIP will be used to create a revised Plan that contains enhanced programs. Another major change to the ERASE CIP, made possible by recent changes to the Planning Act through Ontario's Brownfield Statute Law Amendment Act, will be the expansion of the Plan to provide eligibility across the entire City of Hamilton (urban area). The development industry has expressed considerable interest in this expansion of the ERASE community improvement project area. This will allow all owners/developers of brownfield sites in the downtown and other parts of the City's urban area to take advantage of the incentive programs contained in the ERASE CIP. Detailed discussions and consultation with the development industry will be held to help frame the direction that the ERASE Plan will take.

ANALYSIS OF ALTERNATIVES:

N/A.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Processing of the increased number of applications anticipated in 2003 as a result of expansion of the ERASE project area can be accommodated within the exiting staff complement in the Economic Development Department.

CITY STRATEGIC COMMITMENT:

The ERASE CIP and its individual program components serve to support the key goals of Vision 2020 by promoting the redevelopment of brownfields in Hamilton via the provision of financial incentives. Brownfield redevelopment makes efficient and economical use of existing infrastructure and services, and could potentially help to curb urban sprawl.

CITY WIDE
IMPLICATIONS

CITY OF HAMILTON

4.7

PLANNING AND DEVELOPMENT DEPARTMENT
Parking and Enforcement Operations

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	April 28, 2003	**Prepared by:**	Rose Salayko 905-540-6178

SUBJECT: **Provision of Parking and Enforcement Services to St. Joseph's Healthcare for Mountain Health Services, 100 West 5th Street, Hamilton (City Wide) (PD03116)**

RECOMMENDATION:

That Report PD03116 respecting Provision of Parking and Enforcement Services to St. Joseph's Healthcare for Mountain Health Services, 100 West 5th Street, Hamilton be received for information.

Jill. LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Staff have identified another opportunity for ISE (Internal Service Exporting – serving customers outside of our organization) for the provision of parking and enforcement services and resulting new sources of revenue through services provided to external agencies. The use of Internal Service Exporting is a key tool in strategies for sustainability and supports the goals developed by Hamilton City Council for achieving fiscal responsibility and developing partnerships with other levels of government.

Parking and Enforcement Operations does not compete with the private sector, but provides services to institutions through service level agreements where there are mutual benefits. Parking enforcement and management services are currently provided to St. Peter's Hospital and enforcement services are provided to over 5,000 private properties/parking lots to assist property owners in managing their parking facilities.

BACKGROUND:

The City was initially contacted in 2002 for advice and discussions about assisting St. Joseph's Healthcare with the implementation of paid parking at the Centre for Mountain Health Services (formerly the Hamilton Psychiatric Hospital). In January 2003, Mr. Closten Ball, Manager, Customer Support, asked the City to submit a proposal to assist with the management of paid parking at the Centre, and asked that the proposal include the following:

- *"Collection and management of coins from 3 pay and display units and 20 parking meters to be located on site.*
- *Provision of minor maintenance and repair to above equipment.*
- *Installation of pay and display units and parking meters if applicable.*
- *Recommendations on updated or additional signage and installation if appropriate.*
- *Routine patrolling of our parking areas by your parking enforcement staff.*
- *Other recommendations which you deem appropriate to create an effective paid parking environment at this location."*

A Proposal was submitted to St. Joseph's and subsequently, on March 12, 2003, Mr. Closten Ball confirmed in writing St. Joseph's intent to enter a partnership with the City of Hamilton to provide them with parking and enforcement services at the mountain site.

A Service Level Agreement is being negotiated with the proviso for either party to terminate the partnership by written notice to the other without accrual of expenses to the City. The Service Level Agreement is based on the premise that paid parking at the Centre will provide parking control and generate revenue for St. Joseph's. All parking fees generated by paid parking at the Centre would accrue to St. Joseph's; from which the City would be paid for services provided. St. Joseph's would be able to take advantage of the City's buying power for such items as replacement parts for parking equipment, tickets for machines, etc. It is staff's intention to work as closely and co-operatively as possible with St. Joseph's to deliver parking and enforcement services that meet their needs without compromising the City's regular day-to-day operations.

Summary of Service Delivery Recoverable

The estimated service delivery recoverable (excluding capital costs to be borne by St. Joseph's for pay and display equipment and parking meters, and operating costs for pay and display tickets) for the City to provide parking and enforcement services is:

ACTIVITY	ONE TIME REVENUE	ANNUAL REVENUE
Installation of Parking Control Devices	$4,280	N/A
Maintenance	N/A	$8,560
Collections, Inspections, Minor Repairs	N/A	$6,741
TOTAL REVENUE	**$4,280**	**$15,301****

In addition to the estimated annual recoveries noted above, Parking and Enforcement Operations will receive 10% of gross parking fees generated (dependent upon rates, # spaces, hours of operation, etc.) as well as 100% of the revenues generated by parking enforcement.

ANALYSIS OF ALTERNATIVES:

Do nothing.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial - This partnership is on a full cost-recovery **(+)** basis with no negative budgetary impact to the Parking and Enforcement operating budget.

Staffing – None. The City will provide parking enforcement and maintenance as part of its routine patrols without compromising day-to-day operations.

Legal - Legal aspects of the Service Level Agreement will be accommodated through advice from the City's Legal Services Division as required.

POLICIES AFFECTING PROPOSAL:

Not applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Not applicable.

CITY STRATEGIC COMMITMENT:

This initiative contributes towards Council's Mission, Vision, Values and Goals to deliver ongoing cost savings and value-added service delivery by introducing a new revenue stream.

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

4.8

PLANNING AND DEVELOPMENT DEPARTMENT
Building and Licensing Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	May 2, 2003	**Prepared by:**	Peter Gobbo 905-546-2026 Jorge M. Caetano 905-540-5064

SUBJECT: Swimming Pool Enclosure By-law (PD03114)(City Wide)

RECOMMENDATION:

(a) That By-law 01-264 (existing Swimming Pool Enclosure By-law) be repealed.

(b) That the Swimming Pool Enclosure By-law attached as Appendix A to Report PD03114 be enacted.

Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Since the passing of the Swimming Pool Enclosure By-law (By-law 01-264) on November 13, 2001, it has become apparent that certain aspects of the by-law are unclear and/or difficult to enforce. In order to address these concerns we are proposing a number of housekeeping amendments. The majority of these amendments deal with corrections to metric dimensions in order to ensure consistency with acceptable standards. The remaining amendments address issues which are either outside the scope of the by-law or are already covered by other regulations, as well as construction issues which are being proposed in order to clarify the intent of the by-law. Because of the number of changes being proposed we are recommending that the existing by-law be repealed and replaced with a new consolidated by-law which would be easier to use by both the public and staff.

BACKGROUND:

By-law 01-264 ("The Swimming Pool Enclosure By-law") was passed by the City of Hamilton on November 13, 2001. The intent was to create one comprehensive swimming pool enclosure by-law for the entire new City while repealing the enclosure By-laws of the former Area Municipalities.

In the process of enforcing the by-law it became evident that certain sections were vague or unclear, and that some situations surfaced which were not specifically covered by the by-law. Also, concerns have been raised by the swimming pool installers as to the application and construction requirements contained in the by-law. In order to alleviate these concerns the following changes are proposed.

The definition of "unprotected main building exit" will be deleted. This is based on the fact that having a latching devise located 1.829 metres (six feet) above the floor level unnecessarily imposes an overly restrictive requirement for an interior area of the home which is in the total control of the occupant. This also restricts exiting in the case of an emergency. We are also adding a clause which requires that all windows and doors which could provide a means of ingress directly into the swimming pool area are to be kept locked at all times when the swimming pool is not under competent supervision.

We are proposing to remove the requirement that a pool enclosure must be at least 1.22 metres (4 feet) from any "building or tree or any other projection" and to replace it with the requirement that the pool enclosure must be at least 1.0 metre (3ft 3 in) from any fence or structure unless the height of the fence is increased to 1.8 metres (5ft 11in). The reference to trees is being removed since it seems unreasonable to require a homeowner to take responsibility for a tree that may not be on their property. The word structure is being added since it refers to something being physically built and which can be controlled by the Ontario Building Code and/or the Zoning By-laws. By allowing the height of the fence to be increased, instead of keeping it back 1.0 metre from a non-compliant fence or structure, we would be giving a homeowner another option. This added height would provide a deterrent to climbing and would be in keeping with the requirements contained in the Swimming Pool Enclosure By-laws of several surrounding area municipalities.

A new requirement is being added which will require the pool enclosure to be a minimum of 600 mm (23 5/8 in) from the edge of the water in the swimming pool. This would create a continuous walkway around the pool that can be used to either get out of the pool or to rescue someone in trouble in the water.

There are also several construction-related changes required in order to clarify the by-law. The first one makes it clear that there can be no opening greater than 100 mm (4 in) between the bottom of the pool enclosure and the finish grade. This requirement was not included in the original by-law. Another construction change recommended by the fencing industry was that the size of the bottom tension rod of 6 millimetres (1/4 inch) as stated in the by-law be changed to 9 gauge wire to be in keeping with the current industry terminology. We are also proposing a general requirement stating that no construction shall facilitate climbing be added to clarify the intent of the by-law.

The metric numbers are revised in the By-law in order to conform to existing Metric Standards (already contained in the Ontario Building Code and Zoning By-laws).

The remaining changes being proposed to the By-law are either grammatical or text amendments which clarify the intent of the By-law.

ANALYSIS OF ALTERNATIVES:

Failure to amend the By-Law would leave the City with a pool enclosure by-law that contains certain requirements that are unclear and/or difficult to enforce. It would also leave the by-law with metric dimensions which do not conform to acceptable standards.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Since the costs associated with enforcement of the Swimming Pool Enclosure By-law is already covered through the existing Permit Fee structure there would be no financial implications and staff levels would not be affected.

POLICIES AFFECTING PROPOSAL:

The proposed amendments do not affect or contravene an established City Policy.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The attached by-law has been reviewed by Legal Services.

CITY STRATEGIC COMMITMENT:

The proposed changes would ensure that privately owned outdoor swimming pools are adequately protected to prevent unauthorised or accidental entry, which would be in keeping with the Vision 2020 goal of promoting health and safety in our quality of life.

PCL/jmc/pg
Attach. (1)

Bill No.

THE CITY OF HAMILTON
BY-LAW NO. 03-

To Repeal and Replace:

By-law No. 01-264

Being a By-law to Provide for the Fencing of Privately-Owned Outdoor Swimming Pools

WHEREAS Council deems it necessary to provide a single by-law to provide for the fencing of privately owned outdoor swimming pools, requiring permits be obtained for the design and construction of enclosures, so that owners of pools can reasonably prevent unauthorized or accidental entry to their pools, as well as recognizing pool fence permits previously granted under prior municipal by-laws;

AND WHEREAS Section 9 of the Municipal Act, S.O. 2001, Chapter 25, authorizes a municipality to pass by-laws concerning the issuance of permits and related matters;

AND WHEREAS Section 11 of the Municipal Act, S.O. 2001, Chapter 25, authorizes a municipality to pass by-laws to regulate structures including fences;

AND WHEREAS Sections 2, and 8 through 11 of the Municipal Act, S. O. 2001 Chapter 25, as amended, provide for the Council of a Municipality to pass by-laws for purposes which include the provision of services and things necessary and desirable for the municipality and fostering the current and future economic, social and environmental well-being of the municipality, and powers the municipality to regulate structures including fences, and provides for the issuance or permits and related matters;

AND WHEREAS By-law No. 01-264 was enacted by the City of Hamilton on November 13, 2001 and is sought to be repealed and replaced with this by-law containing various changes;

AND WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sched. C, did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to the following former area municipalities: The Corporation of the Town of Ancaster; The Corporation of the Town of Dundas; The Corporation of the Town of Flamborough; The Corporation of the Township of Glanbrook; The Corporation of the City of Hamilton; and The Corporation of the City of Stoney Creek; (hereinafter referred to collectively as the "former area municipalities" and individually as a "former area municipality");

NOW THEREFORE, the Council of the City of Hamilton enacts as follows:

SHORT TITLE

1. This By-law may be cited as "The Swimming Pool Enclosure By-law".

DEFINITIONS AND INTERPRETATION

2. **(1)** In this By-law,

(a) "**Chief Building Official**" means the **Chief Building Official** appointed by Council under Section 3 of the Building Code Act, S.O. 1992, Chapter 23, as amended, and includes the **Chief Building Official's** designate for the purposes of this by-law;

(b) "**effective ground level**" means the highest level of the ground within 1.0 m (3 ft 3 in) horizontally in any direction from the point being considered;

(c) "**privately-owned outdoor swimming pool**" means any privately-owned body of water located out of doors which is used or capable of being used for swimming and which is contained wholly or partly by artificial means, but does not include such a pool:

(i) which is incapable of holding water beyond a maximum depth of 300 mm (11¾ in), and beyond the volume of 4,550 litres (1000 gallons or 160.5 cubic feet);

(ii) which is owned by a public or governmental body, agency or authority;

(iii) which is designed and used solely for ornamental purposes;

(iv) which is a farm pond, which for the purposes of this by-law shall mean a pond which is maintained for agricultural or horticultural uses only; or

(v) naturally occurring streams, lakes, swamps or other natural bodies of water;

(d) "**property owner**" means the registered owner of a property or a tenant in possession of the property; and

(e) "**swimming pool enclosure**" means a fence or wall or combination of a fence and wall, together with any included doors or gates completely surrounding a swimming pool.

(2) Where this by-law provides both metric and imperial measurement for the same item, the imperial measurement is provided for convenience only and is approximate, and any abbreviation used for a unit of measurement in this by-law shall be as defined in section 1.1.4 of the Ontario Building Code, O. Reg. 403/97 as amended.

EXCAVATION AND FILLING OF POOLS

3. (1) No person shall place water in a **privately-owned outdoor swimming pool** or cause or permit water to remain in the pool unless the **swimming pool enclosure** required by (2) is in place.

(2) The owner of a **privately-owned outdoor swimming pool** or **property owner** on whose property the pool is located shall erect and maintain in good repair a **swimming pool enclosure** for the pool in compliance with the requirements of this by-law.

4. No person shall excavate or erect, or cause or permit the excavation or erection of a **privately-owned outdoor swimming pool** until a permit has been issued under this by-law.

APPLICATION FOR PERMIT

5. A person proposing to erect or excavate a **privately-owned outdoor swimming pool** or the fencing or enclosure for such a pool shall first make and file an application for a permit for the **swimming pool enclosure**, including:

(a) A completed application for permit, together with plans for the enclosure showing fence and gate locations, grades and construction, which material shall be filed with the Building Department; and

(b) A fee of $100.00 payable at the time of application.

6. The **Chief Building Official** may require that a permit applicant file better plans or further information as part of the application, as may be needed to determine compliance with this by-law, and in the event the application is incomplete, the fee is unpaid or the information requested is not supplied the application shall be denied.

7. It is a condition of the application and permit granted, that the **property owner** shall permit entry and inspection of the site of the pool and **swimming pool enclosure** at all reasonable times, to determine that the **swimming pool enclosure** has been constructed in accordance with the approved plans and this by-law.

8. (1) Subject to (2), the **Chief Building Official** shall issue a permit for a **swimming pool enclosure** in compliance with the requirements of this by-law, unless the enclosure if erected would be contrary to a by-law of the municipality or the Building Code.

(2) The **Chief Building Official** may issue the permit under (1) with amendments to plans submitted with the application or by attaching or referring to further requirements, to bring the plans into compliance with the requirements of this by-law, which requirements are conditions of approval of the permit for construction of the **swimming pool enclosure**.

(3) Where the **Chief Building Official** cannot issue a permit under (1) the permit shall be denied.

9. The **property owner** is responsible for and shall construct or cause to be constructed a **swimming pool enclosure** in compliance with the plans approved by the **Chief Building Official**, and otherwise in compliance with this by-law in respect of details that may not be shown in the plans and specifications.

PREVIOUSLY PERMITTED SWIMMING POOL ENCLOSURES

10. (1) Subject to subsection 10.(2), where a **swimming pool enclosure** has been constructed under a permit approved by a former area municipality under a pool enclosure by-law previously in force in the former area municipality, or under a permit issued under this by-law prior to the enactment of any amendment to the by-law, and the enclosure is maintained in good repair, such enclosure is deemed to be in compliance with this by-law.

(2) Where the previously permitted **swimming pool enclosure** in (1) is subsequently replaced, the replacement enclosure is instead subject to the requirements of this by-law, including the application for a permit, fee and the requirements and standards specified.

GENERAL REQUIREMENTS FOR ENCLOSURES

11. Enclosures required under this by-law in addition to the other standards and requirements contained in this by-law shall:

(a) have a minimum vertical height of 1.5 m (4 ft 11 in), measured from the **effective ground level** on the outside of the enclosure;

(b) be located at least 1.0 m (3 ft 3 in) from any other fence or structure which would facilitate climbing over the **swimming pool enclosure** unless the height of the enclosure is increased to a height of at least 1.8 m (5 ft 11 in) for a distance of at least 1.0 m (3 ft 3 in) beyond such non-conforming fence or structure;

(c) have a gap no greater than 100 mm (4 in) between the bottom of the **swimming pool enclosure** and the finish grade;

(d) be located at least 600 mm (23 5/8 in) from the edge of the water in the swimming pool; and

(e) be composed of one of the following constructions, namely chain link fence, vertical board fence, wrought iron fence all as specified in this by-law, or such equivalent alternative as may be approved by the **Chief Building Official** under section 15 upon review of plans and specifications submitted in application for a permit under this by-law.

12. All above ground **privately-owned outdoor swimming pools** having a walkway higher than 600 mm (23 5/8 in) above the **effective ground level** shall have their walkways enclosed with an outer guard at least 900 mm (2 ft 11 in) in height measured from the walkway level. The required **swimming pool enclosure** may form part of the required guards.

13. A **swimming pool enclosure** shall not:

(a) use or incorporate barbed wire, electrification, or other features designed to cause injury;

(b) enclose a utility meter, a furnace oil filler pipe or other utility reading device which requires periodic inspection or attendance by utility or service personnel;

(c) be composed of the walls of a building unless any openings which could provide a means of ingress directly into the swimming pool area are protected by a door, window or other covering and kept closed and locked at all times when such swimming pool is not under competent supervision; or

(d) except in the case of that part of a building or wall forming part of the enclosure, the enclosure shall not have attachments to the exterior face of the enclosure such as bracing, horizontal rails or other structures, except to the extent as may be permitted in section 15.

GATES

14. Gates that form a part of the **swimming pool enclosure** shall:

(a) be self-closing and self-latching with the latching device at the top of the gate on the inside of the enclosure;

(b) operate on hinges sufficient to support the gate either open and unlatched or closed and latched; and

(c) be of such construction and height that they otherwise comply with the requirements of this by-law for the enclosure.

STANDARDS OF CONSTRUCTION

15. (1) Subject to subsection 15.(5) a fence of chain link construction shall:

(a) have a mesh with openings not greater than 38 mm (1½ in);

(b) be constructed of wire not less than 12 gauge galvanized steel or if having a vinyl or other coating, not less than 14 gauge steel wire covered with a vinyl or other approved coating which would form a total thickness equivalent to 12 gauge galvanized steel wire;

(c) be supported by minimum 38 mm (1½ in) galvanized steel posts spaced not more than 2.5 m (8 ft 2 in) apart, at least 900 mm (2 ft 11 in) below grade, which posts are to be encased in concrete at least 50 mm (2 in) thick all around; and

(d) have top and bottom rails firmly fastened to the upright posts, made of minimum 32 mm (1¼ in) galvanized steel pipe, provided only that in place of the bottom rail there may be substituted a galvanized steel tension rod of minimum 9 gauge wire.

(2) Subject to subsection 15.(5) a fence of wood construction shall:

(a) have vertical boarding not less than 19 mm by 89 mm (1 in by 4 in) and shall have no openings on the exterior face with a dimension greater than 100 mm (4 in);

(b) be supported by posts at least 89 mm by 89 mm (4 in by 4 in) square, or 89 mm (4 in) in diameter, spaced not more than 2.5 m (8 ft 2 in) apart. Such posts shall extend at least 900 mm (2 ft 11 in) into the ground and that portion of the post below grade shall be treated with a wood preservative; and

(c) have top and bottom rails of at least 38 mm by 89 mm (2 in by 4 in), and spaced to provide a minimum clearance of 1.0 m (3 ft 3 in) between the rails.

(3) Subject to subsection 15.(5) a fence of wrought iron construction or other similar material shall:

(a) be of sufficient strength to provide an effective enclosure;

(b) have no openings of a dimension greater than 100 mm (4 in) between vertical members;

(c) be supported by posts spaced not more than 2.5 m (8 ft 2 in) apart. Such posts shall extend at least 900 mm (2 ft 11 in) into the ground and are to be encased in concrete at least 50 mm (2 in) thick all around; and

(d) have top and bottom rails spaced so that a minimum clear space of 1.0 m (3 ft 3 in) is provided between the rails.

(4) The **Chief Building Official** may approve plans for the construction of a **swimming pool enclosure** that is a fence, wall or other structure where it provides an equivalent enclosure to that specified in this by-law.

(5) Notwithstanding the content of subsections 15.(1), (2) and (3) and section 13 above, no enclosure shall be so constructed or maintained as to facilitate climbing by persons.

PENALTY AND ENFORCEMENT

16. (1) Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to the penalties specified by Section 61 of the Provincial offences Act, R.S.O. 1990, Chapter P. 33.

(2) Where the owner of the **privately-owned outdoor swimming pool** or **property owner** fails to erect or maintain a fence or gate around the swimming pool or places water in the pool, or causes, permits or allows the water to remain in the pool where a fence or gate is not erected or maintained, the **Chief Building Official** may immediately at the persons expense, direct an employee or agent to,

(a) erect or repair the **swimming pool enclosure**; or

(b) remove all water from the swimming pool until the required **swimming pool enclosure** is erected or maintained in accordance with this by-law.

(3) The City of Hamilton may recover the expense incurred in doing the work described in (2) by action or by adding the costs to the tax roll and collecting the costs in the same manner as municipal taxes.

(4) For the purposes of this by-law, persons who are employed or appointed as By-law Enforcement Officers by the City of Hamilton, or employed as Property Standards Officers or Building Inspectors for the City of

Hamilton, and the **Chief Building Official** are all deemed appointed and entitled to enforce the provisions of this by-law.

REPEAL

17. By-law No. 01-264 of the City of Hamilton is hereby repealed.

18. This by-law shall come into force and effect on the date of enactment.

ENACTED AND PASSED this day of , A.D.

Mayor	City Clerk

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

4.9

PLANNING AND DEVELOPMENT DEPARTMENT
Parking and Enforcement Operations

Report to:	Mayor and Members Committee of the Whole	**Submitted by**:	Lee Ann Coveyduck General Manager
Date:	April 28, 2003	**Prepared by:**	Rose Salayko 905-540-6178

SUBJECT: **Consultation Service to Generate Bids for Non-Parking Revenue at Various Municipal Car Parks (City Wide) (PD03115)**

RECOMMENDATION:

That Report PD03115 respecting Consultation Service to Generate Bids for Potential Non-Parking Revenue at Various Municipal Car Parks be received for information.

T.i.H. Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

On January 22, 2003, at the Hearings Sub-Committee, staff was directed to investigate alternative revenue generation proposals. Parking and Enforcement staff had already recognized and was pursing an opportunity to generate non-parking revenue at various Municipal Car Parks in conjunction with external consultation services.

Parking and Enforcement Operations' objective is to enhance the quality, reliability and variety of services provided, receive the best value for services rendered, develop innovative ideas for ensuring customer satisfaction, improve parking ambience, increase parking demand, create new revenue sources, and encourage the provision of diversified parking operations, for public convenience (i.e. safe, effective and customer-oriented facilities to the public).

BACKGROUND:

The City's Parking and Enforcement Operations Branch manages 65 surface car parks plus 2 closed structures and provides parking to more than 1,000,000 parkers annually. To ensure that the above objectives are delivered efficiently and effectively staff is preparing a Request for Proposal to invite qualified consultants to undertake a review to consider implementation of a formal comprehensive advertising and amenity program.

The role of the consultant will be to assist and facilitate the development of an advertising and amenity program for the City's Municipal Car Parks. The development of an advertising and amenity program should be carried out in consultation with an external consultant who has the expertise in media buying, negotiation and related matters. Parking and Enforcement Operations staff would then have the responsibility to work with the consultant to ensure the advertising and amenity program reflects a co-ordinated approach consistent with corporate policies and maximizes non-parking revenue opportunities.

ANALYSIS OF ALTERNATIVES:

Do nothing.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial - Creates a new source of revenue. Purchasing staff's experience has been that costs for consulting services might be in the order of $25,000. Costs for the consulting fees can be financed from a combination of the revenues generated from the Advertising in 2003, the current budget for consulting services, the general operating budget surplus and the Reserve for Parking Infrastructure (Account No.108021).

Staffing – There are no staffing implications arising from this recommendation.

Legal – There are no legal implications arising from this recommendation.

POLICIES AFFECTING PROPOSAL:

The above recommendation is in compliance with the City's Purchasing Policy and the Commercial Advertising and Sponsorship Policy.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The RFP will be undertaken in consultation with staff from the Purchasing Department.

CITY STRATEGIC COMMITMENT:

This initiative contributes towards Council's Mission, Vision, Values and Goals to deliver ongoing cost savings and value-added service delivery by introducing a new revenue stream.

SECTION 5

AFFECTS WARDS 1, 2, 3, 4, 6, 7, 9, 13 & 15

CITY OF HAMILTON

5.1

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	May 2, 2003 1200-1	**Prepared by:**	Ronald Marini 905-546-4178 Gordon Moodie 905-546-3934 Hazel Milsome 905-546-2755

SUBJECT: Commercial Property Improvement Grant Program (C.P.I.G.) Applications (PD03110) (Wards 1, 2, 3, 4, 6, 7, 9, 13, 15)

RECOMMENDATION:

(a) That the applications recommended for approval and identified within Appendix 'A' to Report PD03110 be approved for funding according to the terms and conditions of the Commercial Property Improvement Grant Program (C.P.I.G.);

(b) That applicants of properties with outstanding taxes be notified that a condition of the grant is that their property taxes must be paid in full prior to any grant monies being advanced for completed work and that no grant funds will be paid out until the condition is met and, if the property taxes are not paid in full within one (1) year of the date of the Letter of Understanding entered into between the City of Hamilton and the applicant, that the grant will be considered void;

(c) That unallocated grant monies due to unpaid taxes be utilized for future loan and grant programs administered by the Downtown Renewal Division for Hamilton's Business Improvement Areas;

(d) That the applications for 36 and 52 James Street South be denied as they are both designated under The Ontario Heritage Act and therefore do not conform to the terms of the program;

(e) That the application for 475 James Street North be denied as the property is not located within a Business Improvement Area and therefore does not conform to the terms of the program;

(f) That the application for 573-577 Barton Street East be denied as the owner did not submit quotes for the work proposed to be carried out and therefore does not conform to the terms of the program;

(g) That the grant portion in the total amount of $333,365 be funded from Capital Project 8300208100;

(h) That staff be authorized and directed to prepare and execute Letters of Understanding with Council-approved applicants, with such Letter of Understanding being in a form satisfactory to Corporate Counsel.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The purpose of Report PD03110 is to review applications submitted under the terms of the Commercial Property Improvement Grant Program (C.P.I.G.) and to recommend approval of those applications identified in Appendix ‘A’ to Report PD03110. The C.P.I.G. provides matching grants to a maximum of $15,000 to commercial property owners and authorized tenants within Hamilton’s eleven (11) B.I.A.s for façade improvements.

BACKGROUND:

In 2002, Council approved the creation of the Commercial Property Improvement Grant Program (C.P.I.G.) for the City of Hamilton.

C.P.I.G. is intended to provide financial assistance for commercial property owners and authorized tenants within the existing eleven (11) City-wide Business Improvement Areas as identified within the relevant Community Improvement Plans. The program aims to improve upon the appearance of numerous commercial properties throughout the City’s B.I.A.s. It is understood that the smaller scale commercial activities contribute greatly to the economic vitality and health of the commercial sector within the City of Hamilton. The program seeks to build upon these successes, resulting in long-lasting physical improvements to the assets of commercial property owners and authorized tenants. The program is also intended to bring about aesthetic improvements to the commercial areas as defined by the Business Improvement Areas, and to broadly improve commerce within the entire City.

In 2002, the program was delivered and twenty-four (24) applications were approved totalling $187,832 leaving $60,000 to be rolled into the 2003 allocation for the program. In 2003, the total amount of eligible applications was forty-two (42) with a total grant amount of $333,365. The 2003 program was announced in January, 2003 with an application deadline of March 4, 2003. Promotion of the program was conducted by way of two (2) public information sessions, and communication at the Hamilton Association of Business Improvement Areas (H.A.B.I.A.) meetings.

Applications for Funding

Appendix ‘A’ to Report PD03110 is a summary of the applications received. Details relative to the name of the applicant, property address, total value of work proposed, total City grant eligible and description were received. Four (4) applications; 52 and 36 James Street South, 475 James Street North and 573-577 Barton Street East are recommended to be denied as they do not conform to the eligibility criteria of the program.

All proposed work under the terms of the program recommended by the City of Hamilton for funding will comply with the appropriate regulations of the City’s Zoning By-law(s). Any required variances or amendments to ensure conformity with the appropriate by-law(s) will be made a condition of approval of the grant and will be included as part of the Letter of Understanding in a form satisfactory to Corporate Counsel. Building Division staff will prepare detailed zoning reports and a record of site inspection to address issues of by-law conformity or Ontario Building Code issues requiring attention. These reports will form the basis of any conditions that are to be referenced within the Letter of Understanding between the City and the applicant.

Program Effects:

The total City portion of work for forty-two (42) recommended properties is $333,365. However, the total dollar value of improvements to the BIAs is $783,335. The City’s grant represents 43% of the total construction cost.

Feedback from the B.I.A.s and business owners on the program has been extremely positive. The Downtown Renewal Division sent out twenty-five (25) questionnaires to applicants of the 2002 C.P.I.G. and received a 28% response rate. All respondents were extremely satisfied with the program and its administration.

The majority of contractors are from Hamilton and in excess of $780,000 in new contracts, spread over forty (40) contractors, will be realized within the twelve (12) month completion process. It is staff's opinion that the ancillary improvements in these areas will be significant.

ANALYSIS OF ALTERNATIVES:

A description and analysis of the C.P.I.G. is provided within Report PD03110. Non-acceptance of the recommendations contained within this report would result in the inability of the municipality to make financial assistance available under the terms of the program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – Funding is provided under the terms of the Commercial Property Improvement Grant Program. Projects will be funded once proposed renovations are completed to the satisfaction to a City of Hamilton building inspector, and paid receipts totalling double the amount of the City's grant are provided. Funding is contained in Capital Budget Account Number 8300208100.

Staffing – Administration of the Commercial Property Improvement Grant Program can be accommodated within the Planning and Development Department and the Corporate Services Department.

Legal – Letters of Understanding between the City of Hamilton and applicants are to be executed.

POLICIES AFFECTING PROPOSAL:

The Planning Act gives municipalities jurisdiction to establish Community Improvement Project Areas and adopt Community Improvement Plans under which municipalities may make grants to property owners for community improvement purposes. Since the C.P.I.G. program constitutes part of Community Improvement Plans for the eleven (11) B.I.A.s, our municipality is permitted to provide grants within those areas. Such grants are not subject to prohibition under The Municipal Act relative to providing bonuses to property owners.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The advice of the Legal Services Division and the Corporate Services Department have been considered in the report. The recommendations in this report are in a form satisfactory to Corporate Counsel.

CITY STRATEGIC COMMITMENT:

Funding projects under the terms of the Commercial Property Improvement Grant Program will contribute to the efficient and economical use of existing infrastructure and services, focus investment within specific areas to support existing commercial activities, and revitalize the eleven (11) City-wide Business Improvement Areas as part of a larger commercial hierarchy. This initiative is consistent with Council's strategy of growing the local economy and investing in neighbourhoods.

HM:hm Rmm

Attach. (40)

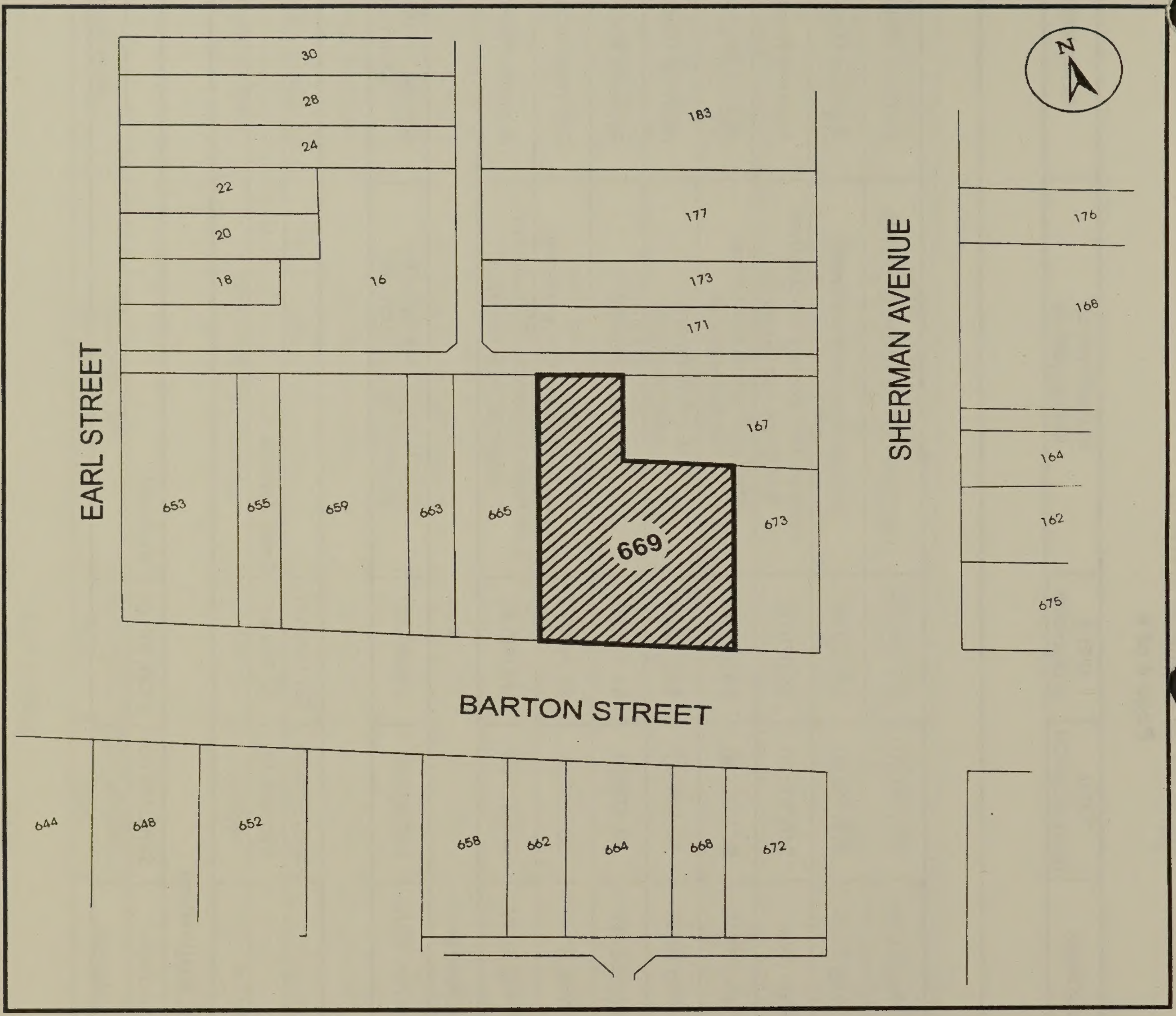
FILE #	BUSINESS	ADDRESS	TOTAL CONSTRUCTION	CITY $ REQUESTED	DESCRIPTION OF IMPROVEMENTS	RECOMMENDATION
Barton Village						
03/009	Pocrnic Realty Advisors	669 Barton St. E	$23,810.49	$11,905.25	storefront awnings; 6 stucco columns; exterior lighting	Approval Recommended
03/034a	Sedentopf/Gerow	573 Barton St. E	$4,000.00	$2,000.00	R/R siding, windows & doors	Denied, no quotes or contact
03/034b	Sedentopf/Gerow	575 Barton St. E	$4,000.00	$2,000.00	R/R siding, windows & doors	Denied, no quotes or contact
03/034c	Sedentopf/Gerow	577 Barton St. E	$4,000.00	$2,000.00	R/R siding, windows & doors	Denied, no quotes or contact
Concession Street						
03/020	The Irish Canadian Club	389 Concession	$10,646.50	$5,323.25	R/R 2 upper windows; stucco over existing brick	Approval Recommended
03/021	Taylor Building (La Favorita)	540 Concession	$8,847.46	$4,423.73	door opening; lighting & installation; painting; paving	Approval Recommended
03/022	Fleming/Kridemann Bayshore Hobbies	529 Concession	$9,576.50	$4,788.25	replace & upgrade existing stucco façade	Approval Recommended
03/026	Rubber Tree Plant Company	526 Concession	$32,046.50	$15,000.00	vintage moviehouse-style signage & lighting	Approval Recommended
03/033	Copy Print	552 Concession	$7,018.13	$3,509.07	R/R door, windows, awning; stucco; re-paint wood & re-point brick	Approval Recommended
03/035	Avalon Music Academy	437 Concession	$1,486.23	$743.12	illuminated signage	Approval Recommended
Downtown Hamilton						
03/001	Independent Homeowners Analysis	143 Main St. E	$24,246.20	$12,123.10	re-design (stucco, painting)	Approval Recommended
03/005	Granada Restaurant	60 King St. E	$11,640.53	$5,820.27	R/R existing windows, incl. capping as needed	Approval Recommended
03/010	Wilson Blanchard Mgmt.	52 James St. S	$22,042.00	$11,021.00	chemical clean of exterior	Denied – referred to Heritage Division

FILE #	BUSINESS	ADDRESS	TOTAL CONSTRUCTION	CITY $ REQUESTED	DESCRIPTION OF IMPROVEMENTS	RECOMMENDATION
Downtown Hamilton (continued)						
03/036	Leathers	151 King St. E	$34,240.00	$15,000.00	R/R windows; stucco; signage	Approval Recommended
03/037	Leathers	153 King St. E	$34,240.00	$15,000.00	R/R windows; stucco; signage	Approval Recommended
03/038	Leathers	155 King St. E	$34,240.00	$15,000.00	R/R windows; stucco; signage	Approval Recommended
03/039	Leathers	157 King St. E	$34,240.00	$15,000.00	R/R windows stucco; signage	Approval Recommended
03/045	Sahar's Hospitality	150 King St. E	$14,437.50	$7,218.75	stucco façade	Approval Recommended
03/046	Pigott Building	36 James St S	$62,167.00	$15,000.00	chemical clean of exterior	Denied – referred to Heritage Division
Dundas Downtown BIA						
03/003	Horn of Plenty	24 King St. W	$12,840.00	$6,420.00	brick repair & repointing	Approval Recommended
International Village						
03/019	Denningers	284 King St. E	$46,227.21	$15,000.00	LED signage & addl'n lettering	Approval Recommended
03/030	Children's International Learning Centre	189 King William	$46,759.00	$15,000.00	extensive façade repair and improvement	Approval Recommended
03/040	Lou Petrov	181 King St. E	$16,050.00	$8,025.00	R/R windows; refinish/paint trim	Approval Recommended
03/041	Lou Petrov	183 King St. E	$16,050.00	$8,025.00	R/R windows; refinish/paint trim	Approval Recommended
03/042	Lavinger	201 King St. E	$21,935.00	$10,967.50	façade redesign & build	Approval Recommended
03/043	Lavinger	203 King St. E	$21,935.00	$10,967.50	façade redesign & build	Approval Recommended
03/044	Dante's Hospitality	160 King St. E	$61,418.00	$15,000.00	signage; awning; lighting; stucco; R/R windows & doors	Approval Recommended

FILE #	BUSINESS	ADDRESS	TOTAL CONSTRUCTION	CITY $ REQUESTED	DESCRIPTION OF IMPROVEMENTS	RECOMMENDATION
Ottawa Street BIA						
03/006	L.G. Wallace Funeral Home	151 Ottawa St. N	$8,608.15	$4,304.08	lighted walkway awning	Approval Recommended
03/007	Crown Grocery & Variety	134 Ottawa St. N	$7,490.00	$3,745.00	R/R existing sidewalk & curb	Approval Recommended
03/008	Consumer Textiles 2002	285 Ottawa St. N	$5,765.12	$2,882.56	illuminated wall sign	Approval Recommended
03/013	Uri Fabrics	333 Ottawa St. N	$6,650.05	$3,325.03	signage and new windows	Approval Recommended
03/014	Tytus	304 Ottawa St. N	$4,328.15	$2,164.08	retractable awning & frame signage	Approval Recommended
03/015	The Textile Centre (Gut)	300 Ottawa St. N	$9,410.65	$4,705.33	retractable awning & frame + upper awnings	Approval Recommended
03/016	Ottawa Textiles Discount Centre	268 Ottawa St. N	$2,657.36	$1,328.68	2 new signs	Approval Recommended
03/017	Helen's Family Restaurant	207 Ottawa St. N	$9,450.24	$4,725.12	new frontage (stucco; R/R doors/windows)	Approval Recommended
03/031	Janome Sewing Centre	292 Ottawa St. N	$20,966.65	$10,483.33	R/R existing brick doors & windows	Approval Recommended
03/032	Peter's Textiles	290 Ottawa St. N	$20,966.65	$10,483.33	R/R existing brick doors & windows	Approval Recommended
Waterdown BIA						
03/024	Riverin Wood Products	321 Dundas St. E (Waterdown)	$7,477.95	$3,738.98	R/R handrails, door, awnings, shutters: paint	Approval Recommended
03/025	Huxley/Cooper	323-325 Dundas St. E (Waterdown)	$14,445.00	$7,222.50	restoration & repointing of exterior stone walls	Approval Recommended

FILE #	BUSINESS	ADDRESS	TOTAL CONSTRUCTION	CITY $ REQUESTED	DESCRIPTION OF IMPROVEMENTS	RECOMMENDATION
Westdale Village						
03/004	Villager Clothing Shop	1035 King St. W	$63,194.20	$15,000.00	complete new, re-designed façade	Approval Recommended
03/011	Bistro Fine Dining	1010 King St. W	$14,445.00	$7,222.50	R/R existing windows/doors	Approval Recommended
03/012	Westdale Laundromat	4 Newton Ave.	$10,160.00	$5,080.00	signage; R/R existing window; new lock/door; security system	Approval Recommended
03/018	TCBY Westdale	1059 King St. W	$12,169.90	$6,084.95	illuminated signage, awnings and R/R sidewalk	Approval Recommended
03/023	Basilique Restaurant	1059 King St. W	$6,548.40	$3,274.20	new awning and re-do signage	Approval Recommended
03/027	QQ Teashop	985 King St. W	$2,675.00	$1,337.50	signage & lighting	Approval Recommended
03/028	Police Centre	1045 King St. W	$8,724.08	$4,362.04	new door; display area add fire escape for new tenant	Approval Recommended
03/029	The Second Cup	1004 King St. W	$23,271.85	$11,635.93	brick repair/re-pointing; R/R windows, awnings; new railings	Approval Recommended
Outside Business Improvement Area						
03/002	Totally Nu Yu	475 James St. N	$17,933.20	$8,966.60	some facade re-design; new door/display ; stucco/paint	Denied – property is not within a BIA
Applications Received						
Total Construction Cost of All Applications			$897,476.85	$374,352.47		
Construction Averages			$18,697.43	$7,799.01	*Grant Average*	
Percentage of City Grant Dollar			41.7%			
Applications Recommended for Approval						
Total Construction Cost of Recommended Applications			$783,335.00	$333,365.00	*City Grant*	
Percentage of City Grant Dollar			43 %			

Attachment 1 to Report PD03110
669 Barton Street East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EARL STREET
SHERMAN AVENUE
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BARTON STREET
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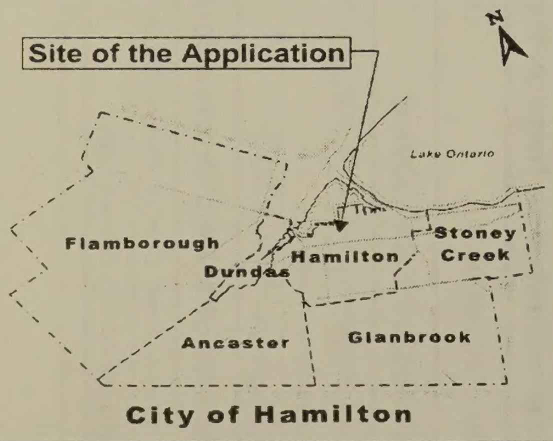

Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

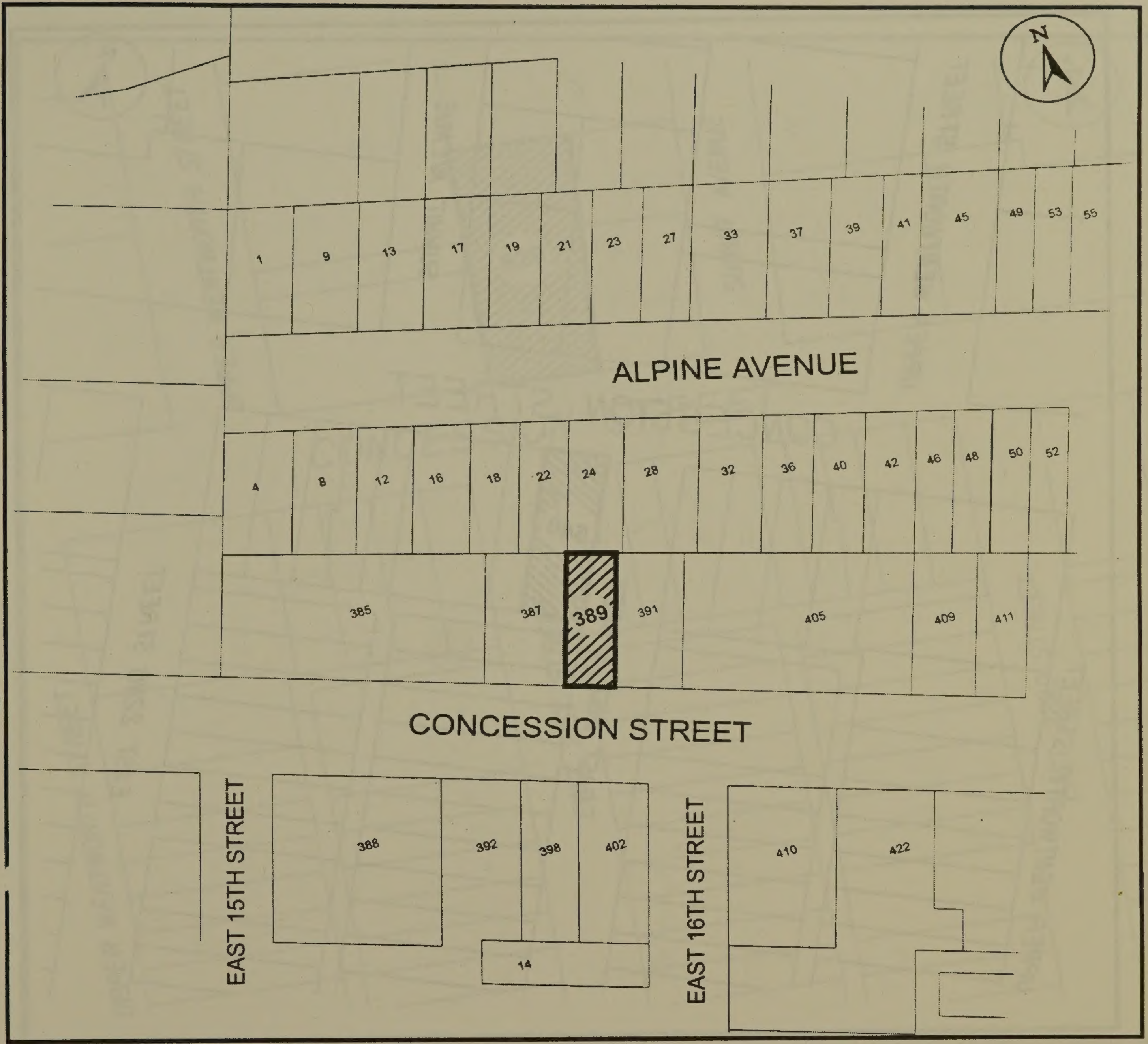
Location Map

Hamilton

▨ **Subject Property**
669 Barton Street East

Filename/number	*669 Barton St. E.*
Date	*March 13, 2003*
Technician	*LC*
Map Not to Scale	

Attachment 2 to Report PD03110
389 Concession Street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ALPINE AVENUE
CONCESSION STREET
EAST 15TH STREET
EAST 16TH STREET
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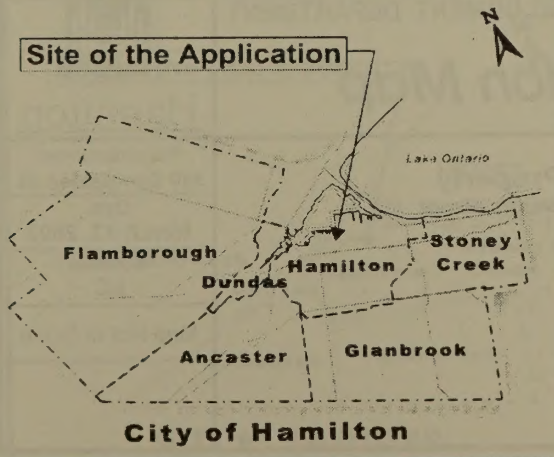

Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

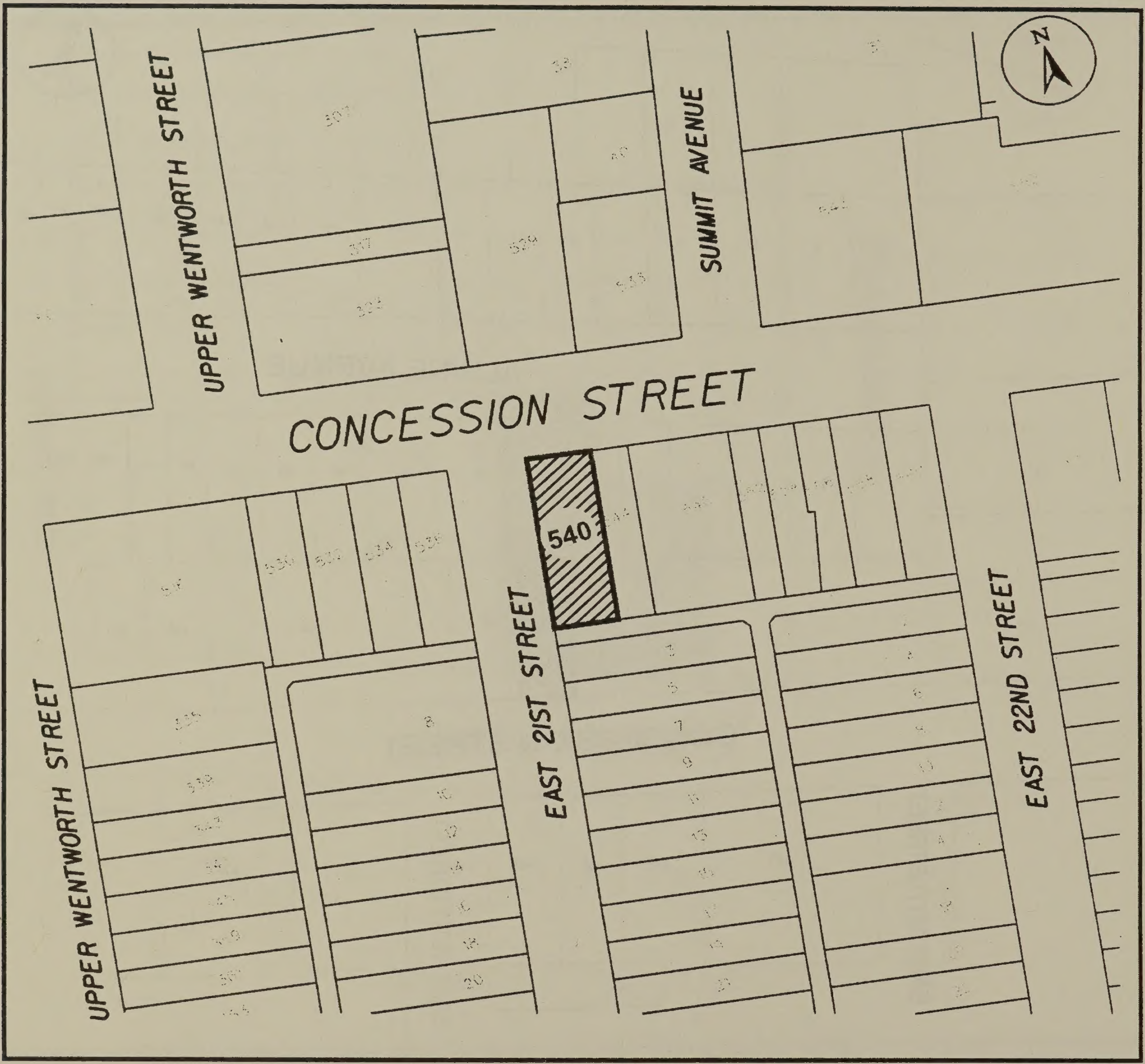
Location Map

▨ **Subject Property**
389 Concession Street

Hamilton

Filename/number	*389 Concession St.*
Date	*March 13, 2003*
Technician	*LC*
Map Not to Scale	

Attachment 3 to Report PD03110
540 Concession Street


UPPER WENTWORTH STREET
SUMMIT AVENUE
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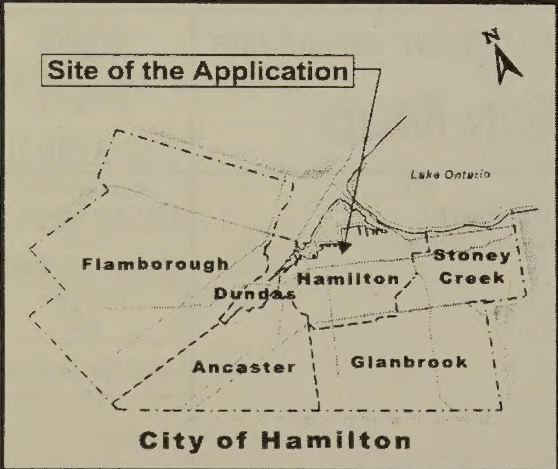
CONCESSION STREET
540
EAST 21ST STREET
UPPER WENTWORTH STREET
EAST 22ND STREET


Site of the Application
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Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
540 Concession Street

Hamilton

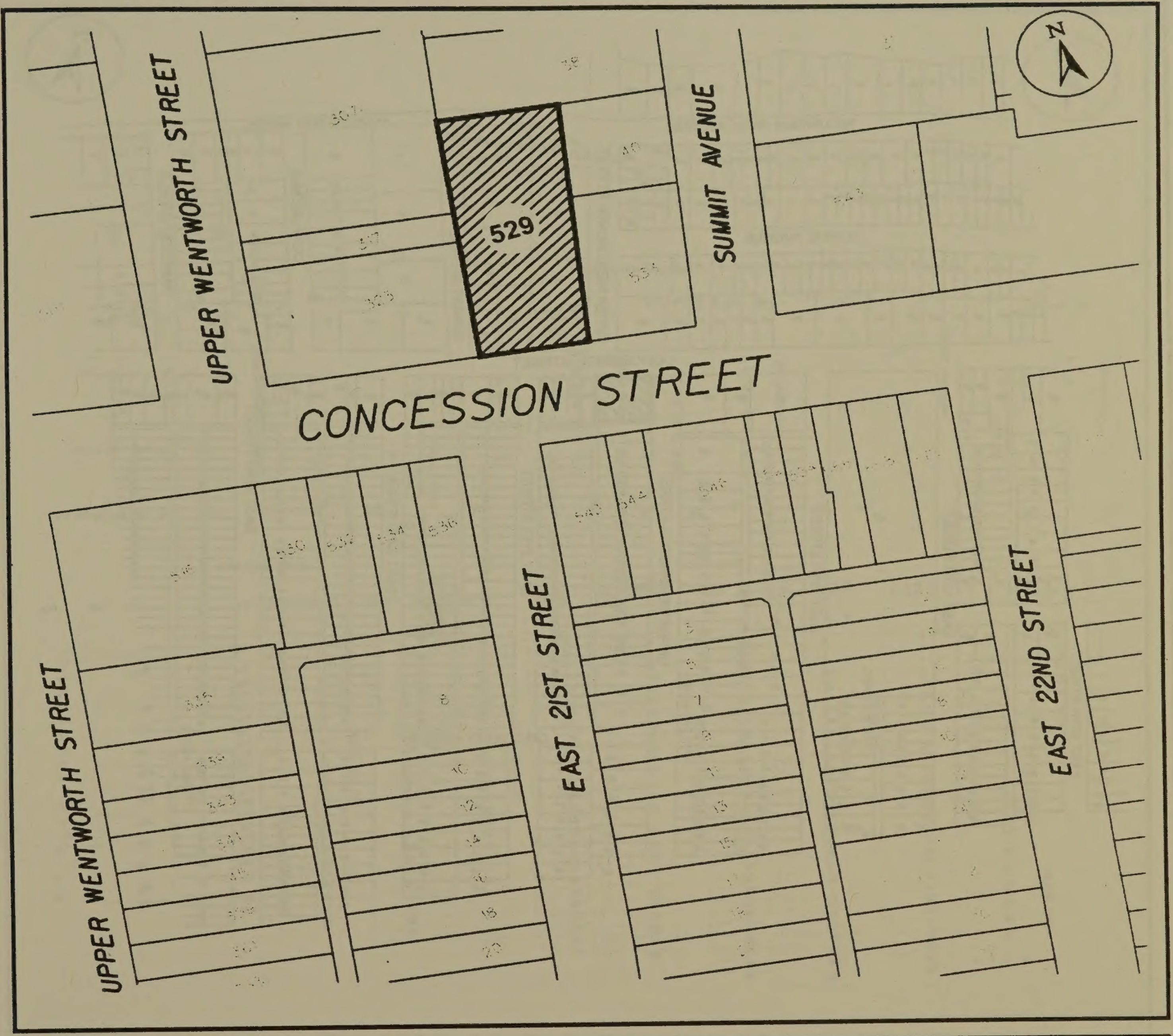
Filename/number
540 Concession St.

Date
March 13, 2003

Technician
LC

Map Not to Scale

Attachment 4 to Report PD03110
529 Concession Street


UPPER WENTWORTH STREET
SUMMIT AVENUE
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CONCESSION STREET
UPPER WENTWORTH STREET
EAST 21ST STREET
EAST 22ND STREET
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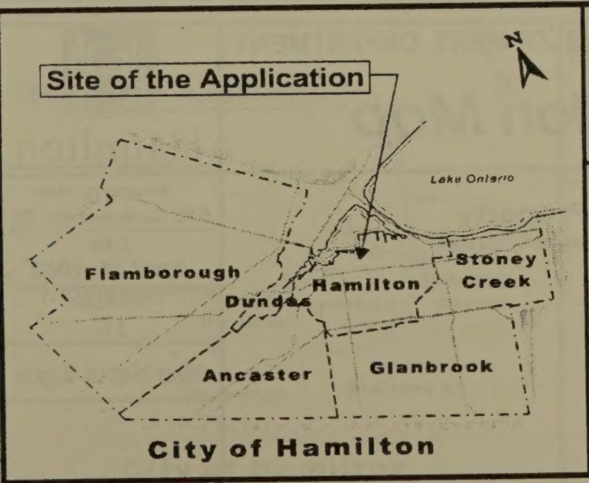
Site of the Application
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Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

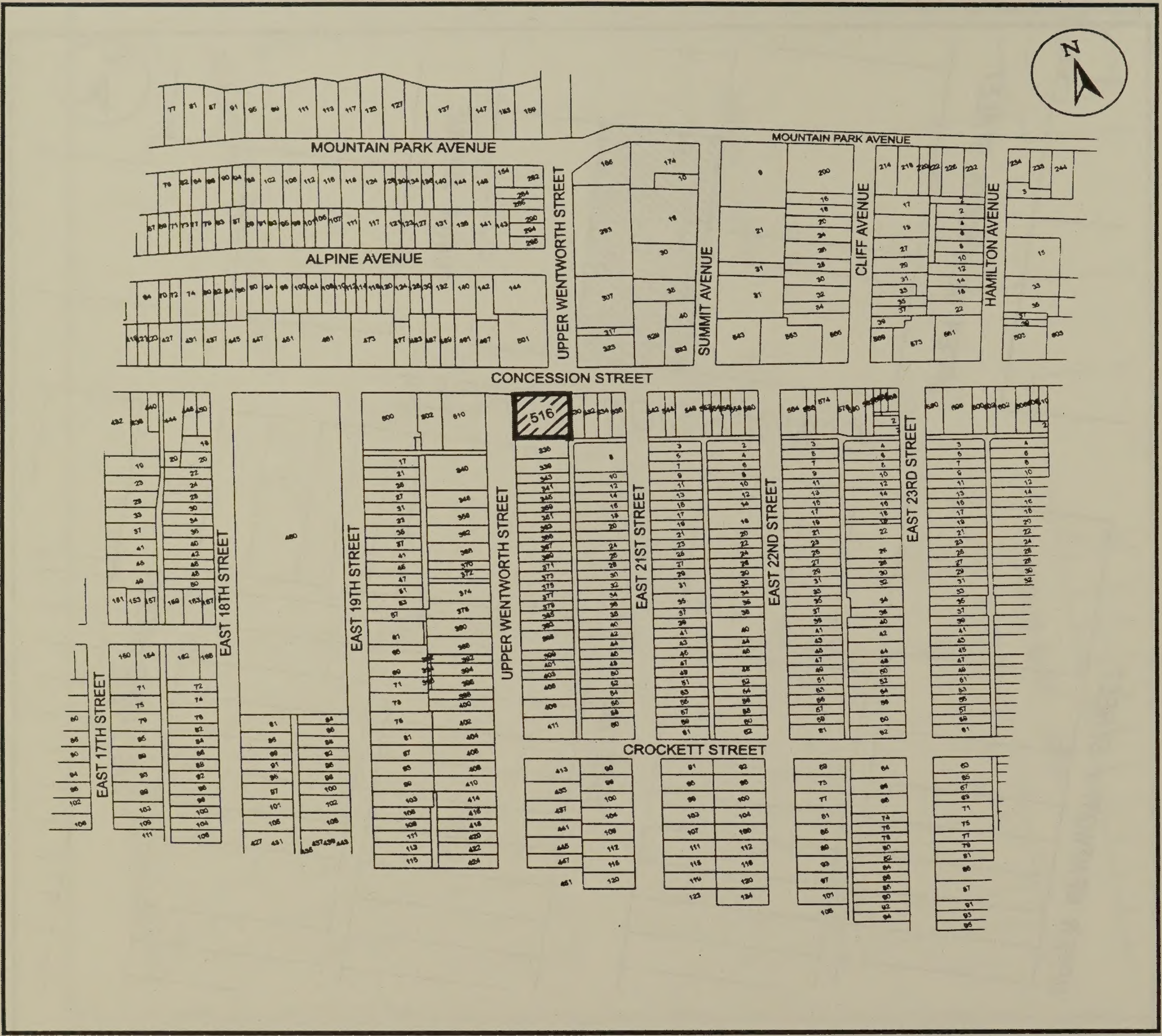
▨ **Subject Property**
529 Concession Street

Hamilton

Filename/number	*529 Concession St.*
Date	*March 13, 2003*
Technician	*LC*

Map Not to Scale

Attachment 5 to Report PD03110
526 Concession Street (Assessed as 516 Concession Street)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MOUNTAIN PARK AVENUE
ALPINE AVENUE
UPPER WENTWORTH STREET
SUMMIT AVENUE
CLIFF AVENUE
HAMILTON AVENUE
CONCESSION STREET
516
EAST 17TH STREET
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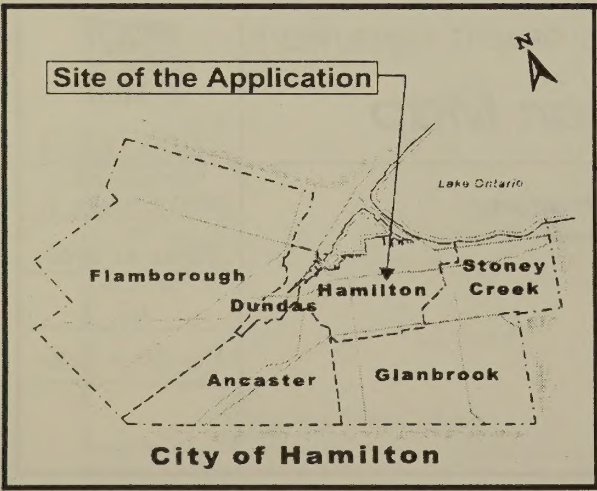
EAST 23RD STREET
CROCKETT STREET


Site of the Application
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Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Hamilton

▨ **Subject Property**
516 Concession Street

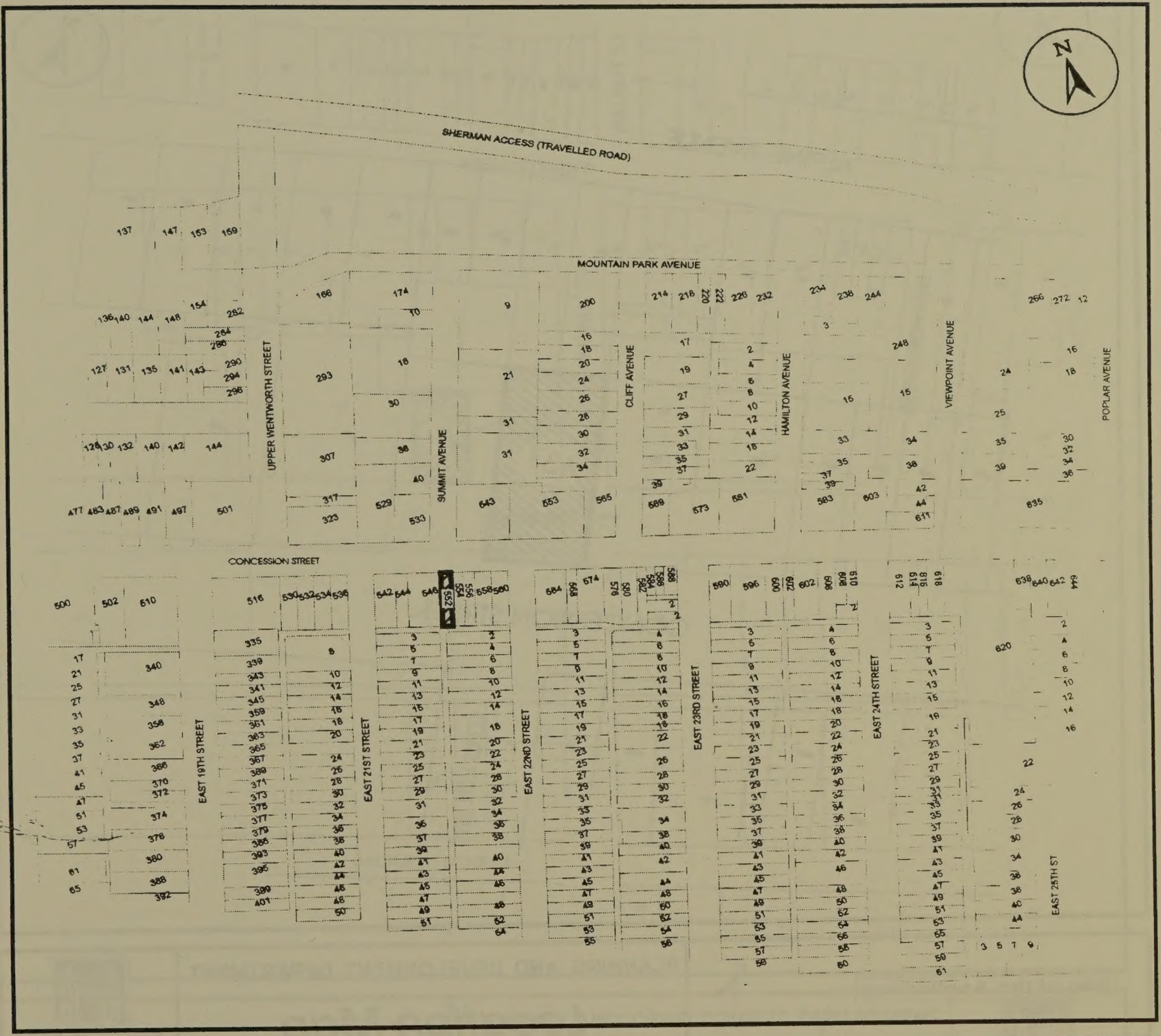
Filename/number
516 Concession St.

Date
April 24, 2003

Technician
LC

Map Not to Scale

Attachment 6 to Report PD03110
552 Concession Street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SHERMAN ACCESS (TRAVELLED ROAD)
MOUNTAIN PARK AVENUE
UPPER WENTWORTH STREET
SUMMIT AVENUE
CLIFF AVENUE
HAMILTON AVENUE
VIEWPOINT AVENUE
POPLAR AVENUE
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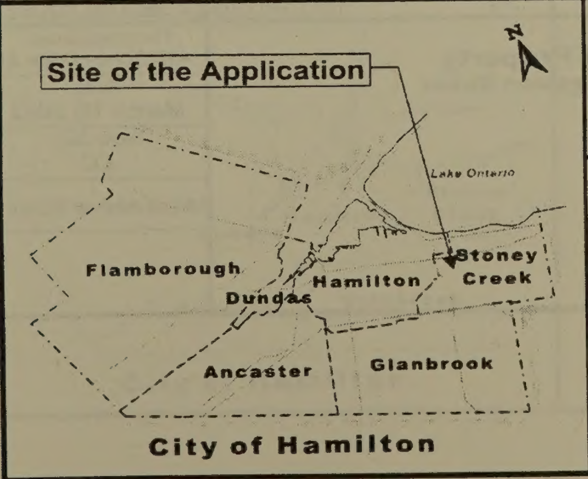
EAST 24TH STREET
EAST 25TH ST
552


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

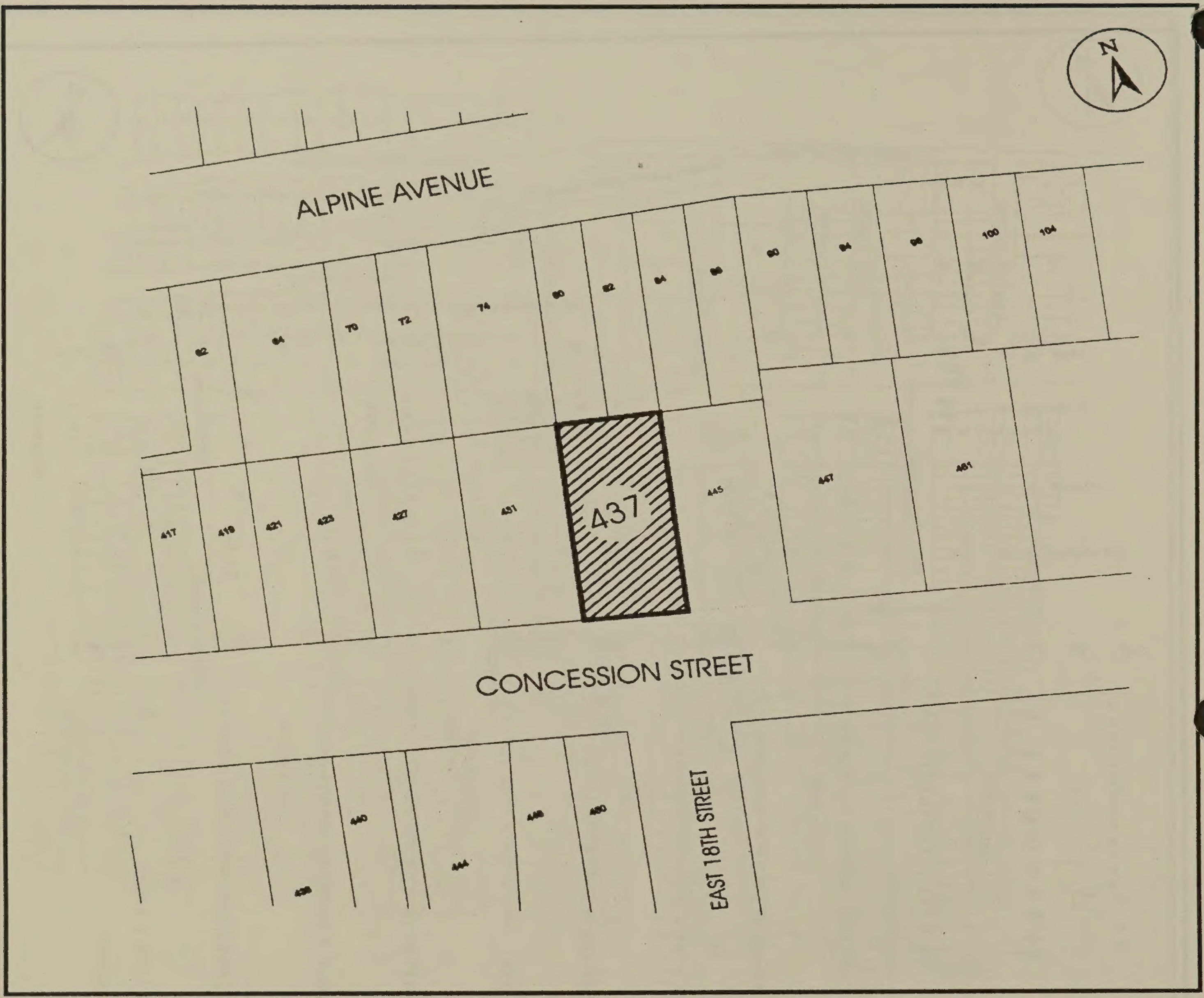
Location Map

▨ **Subject Property**
552 Concession Street

Hamilton

Filename/number *552 Concession St.*
Date *March 18, 2003*
Technician *LC*
Map Not to Scale

Attachment 7 to Report PD03110
437 Concession Street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CONCESSION STREET
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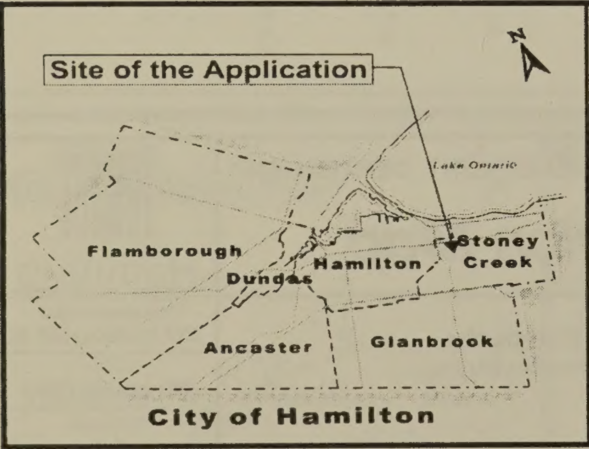
EAST 18TH STREET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Site of the Application
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Hamilton

▨ **Subject Property**
437 Concession Street

Filename/number
437 Concession St.

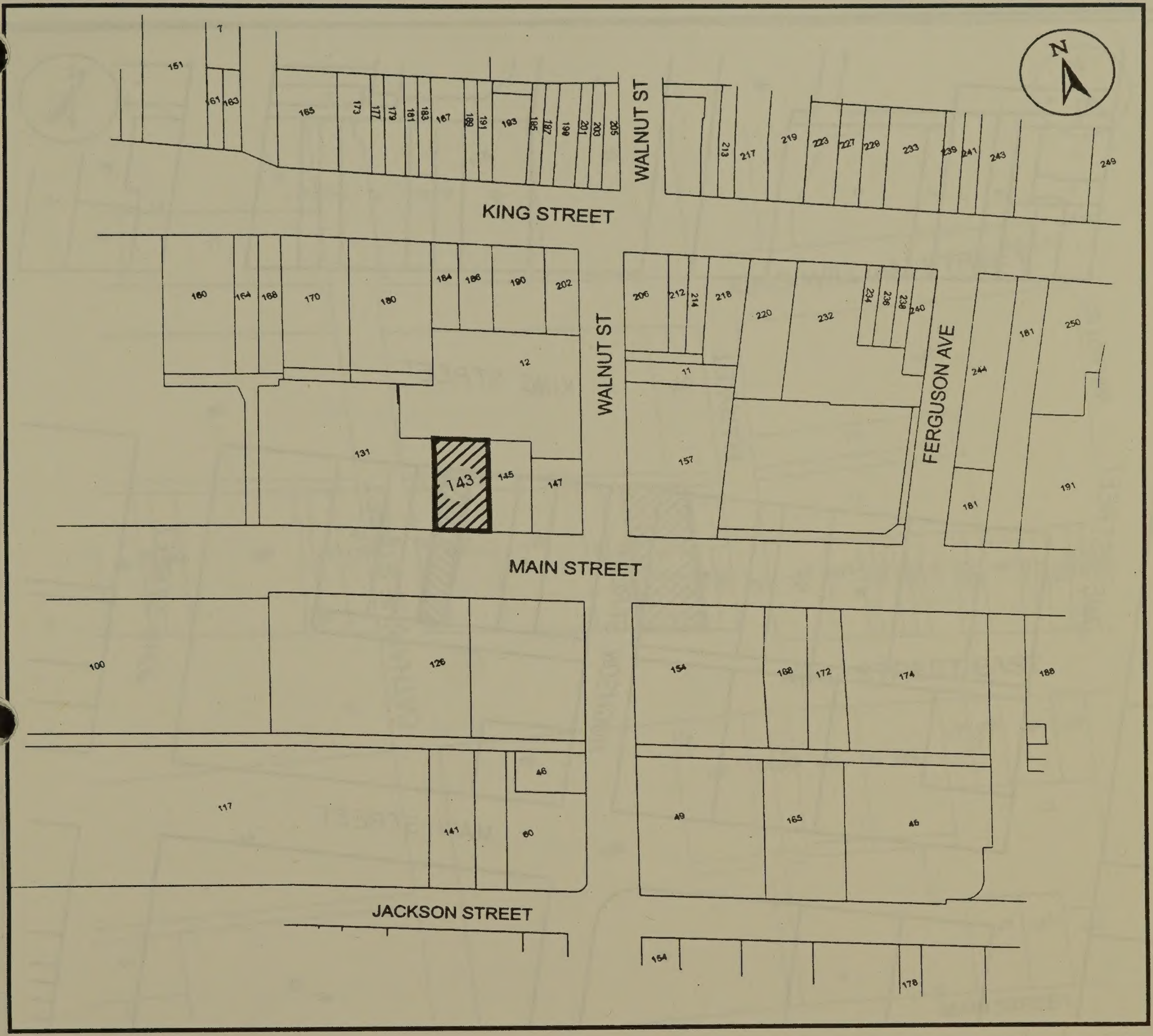
Date
March 18, 2003

Technician:
LC

Map Not to Scale

Attachment 8 to Report PD03110

143 Main Street East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KING STREET
WALNUT ST
WALNUT ST
FERGUSON AVE
MAIN STREET
JACKSON STREET
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12
131
145
147
206
212
214
218
220
232
234
236
238
240
11
157
244
181
250
191
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100
126
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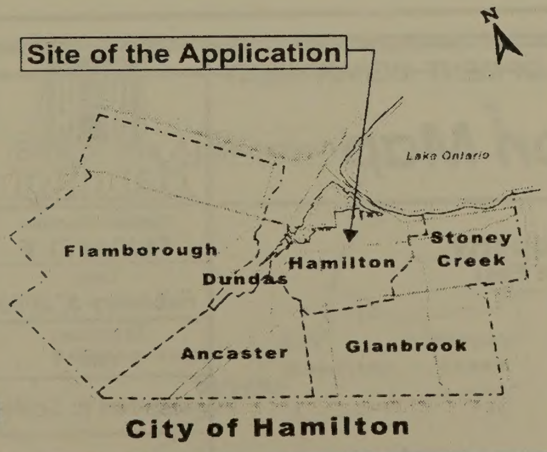
168
172
174
188
117
141
46
60
49
165
46
154
178


N
Site of the Application
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Hamilton

▨ **Subject Property**
143 Main Street East

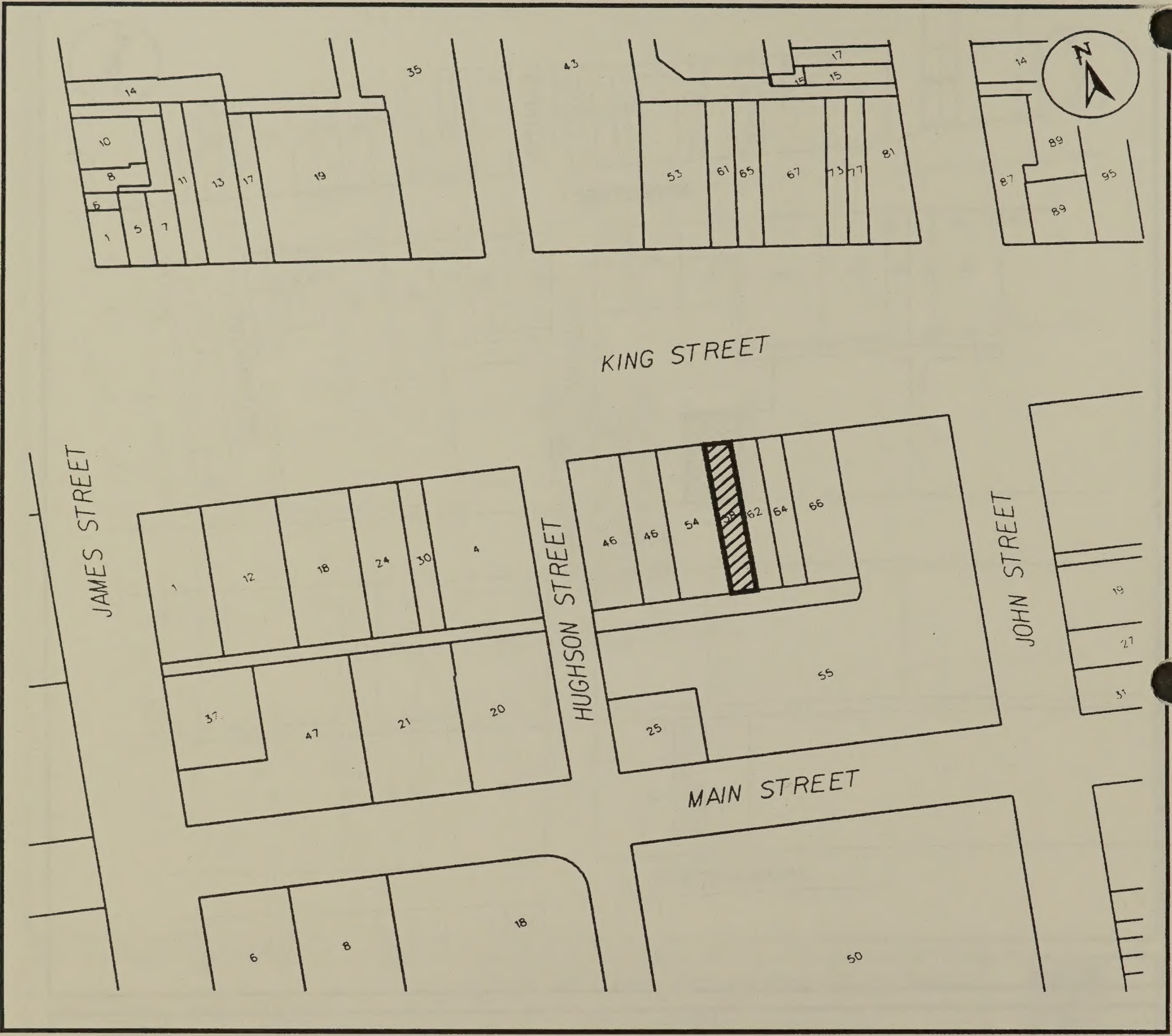
Filename/number
143 Main Street East

Date
March 20, 2003

Technician
LC

Map Not to Scale

Attachment 9 to Report PD03110
60 King Street East (assessed as 58 King Street East)


N
KING STREET
JAMES STREET
HUGHSON STREET
JOHN STREET
MAIN STREET
14
10
8
6
1
5
7
11
13
17
19
35
43
53
61
65
67
73
77
81
17
15
15
14
89
87
89
95
1
12
18
24
30
4
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21
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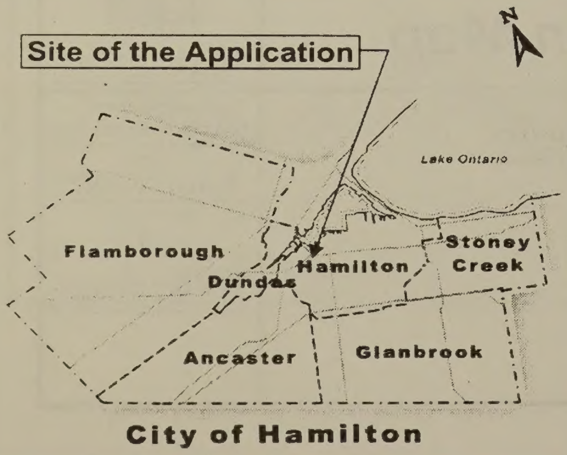
55
19
27
31
6
8
18
50


Site of the Application
N
Lake Ontario
Flamborough
Hamilton
Stoney Creek
Dundas
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
58 King Street East

Hamilton

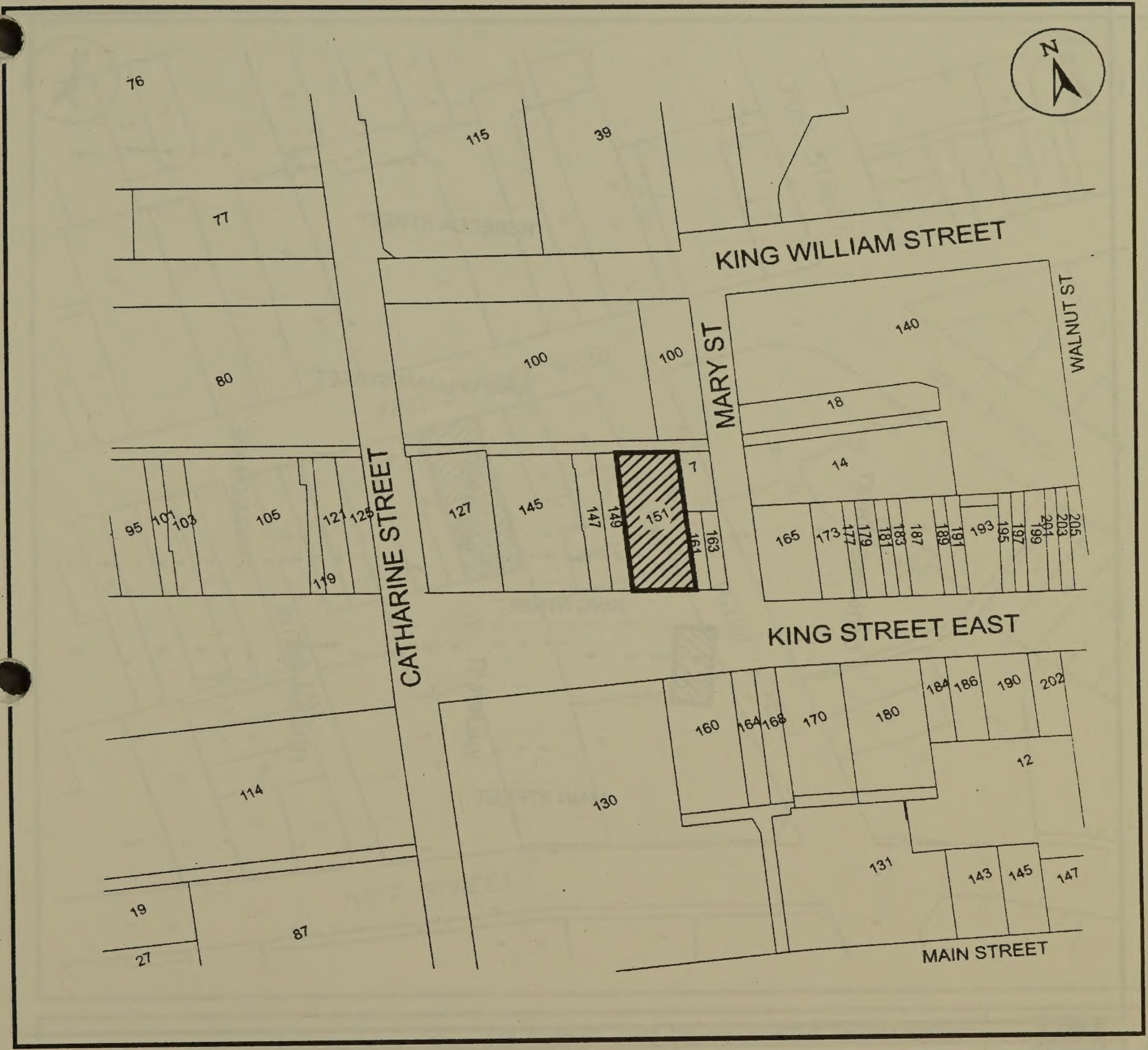
Filename/number
58 King St. E

Date
February 5, 2003

Technician:
NM

Map Not to Scale

Attachment 10 to Report PD03110
151 – 157 King Street East


N
KING WILLIAM STREET
MARY ST
WALNUT ST
CATHARINE STREET
KING STREET EAST
MAIN STREET
76
115
39
77
80
100
100
140
18
14
7
95
101
103
105
121
125
119
127
145
147
149
151
161
163
165
173
177
179
181
183
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197
199
201
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202
12
131
143
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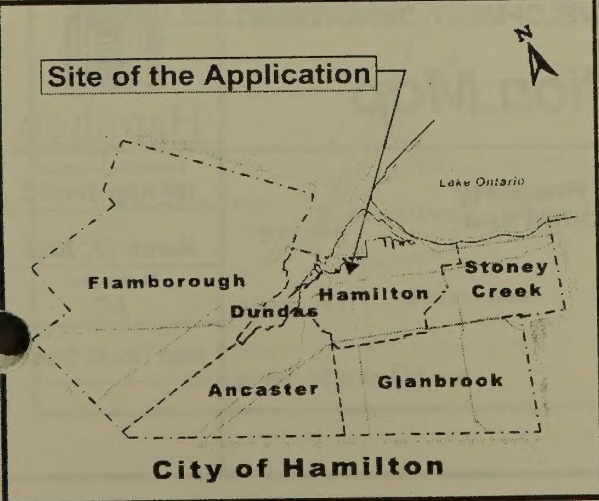
147
19
27
87


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
151 King Street East

Hamilton

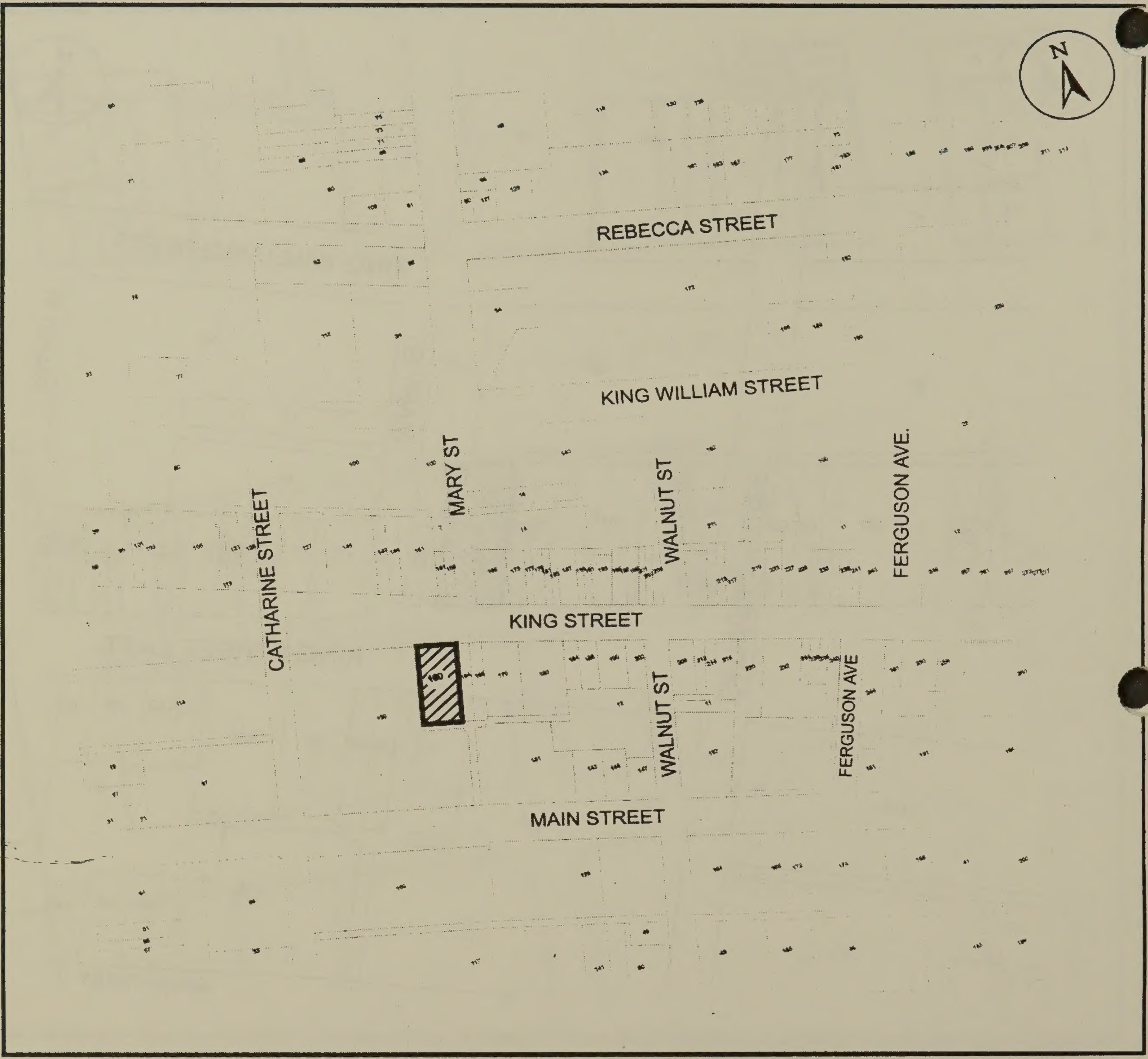
Filename/number
151 King St. E.

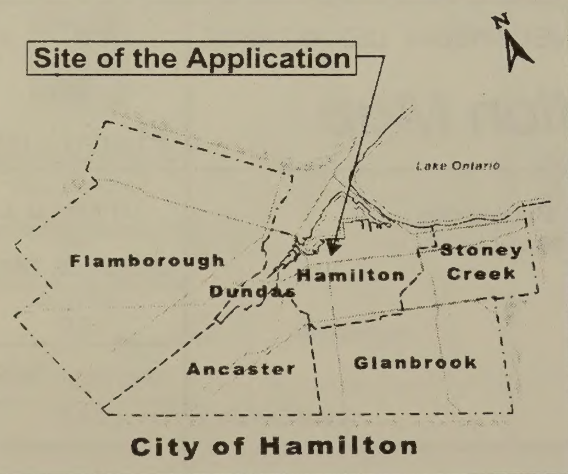
Date
March 20, 2003

Technician:
LC

Map Not to Scale

Attachment 11 to Report PD03110
150 King Street East (assessed as 160 King Street East)


N
REBECCA STREET
KING WILLIAM STREET
MARY ST
CATHARINE STREET
WALNUT ST
FERGUSON AVE.
KING STREET
160
WALNUT ST
FERGUSON AVE
MAIN STREET


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney
Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
160 King Street East

Hamilton

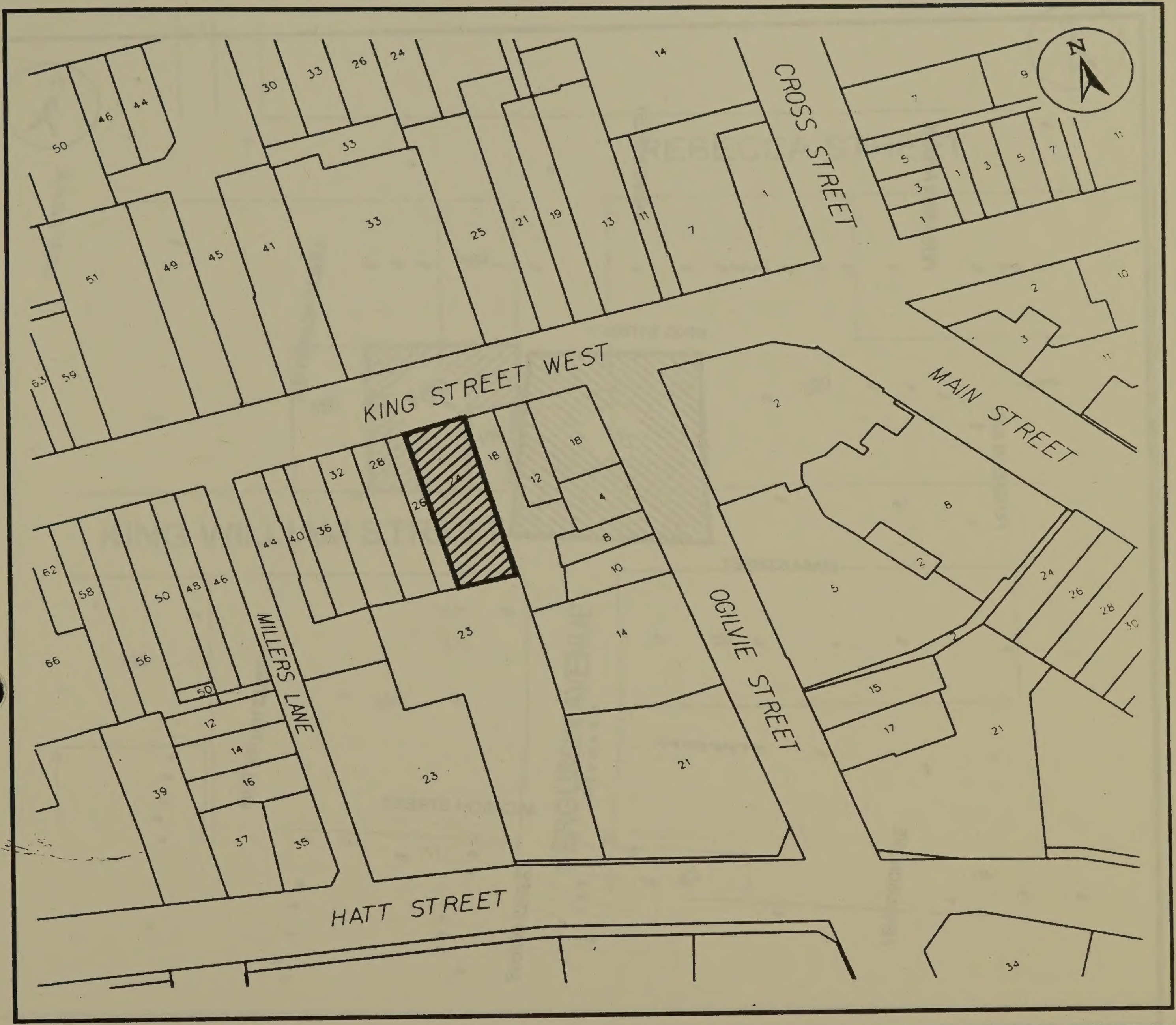
Filename/number
160 King Street E.

Date
March 21, 2003

Technician
LC

Map Not to Scal

Attachment 12 to Report PD03110
24 King Street West, Dundas


N
CROSS STREET
KING STREET WEST
MAIN STREET
OGILVIE STREET
MILLERS LANE
HATT STREET
50
46
44
30
33
26
24
14
33
9
7
5
3
1
1
3
5
7
11
51
49
45
41
33
25
21
19
13
11
7
1
63
59
2
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3
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2
18
12
4
8
10
32
28
26
24
18
36
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44
62
58
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48
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66
56
50
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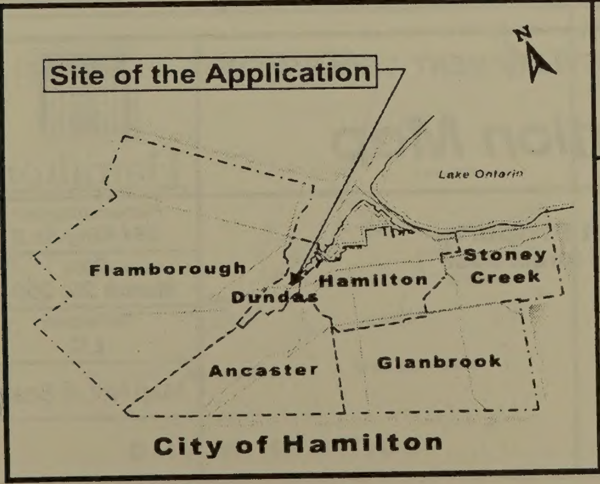
21
34


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
24 King Street West, Dundas

Hamilton

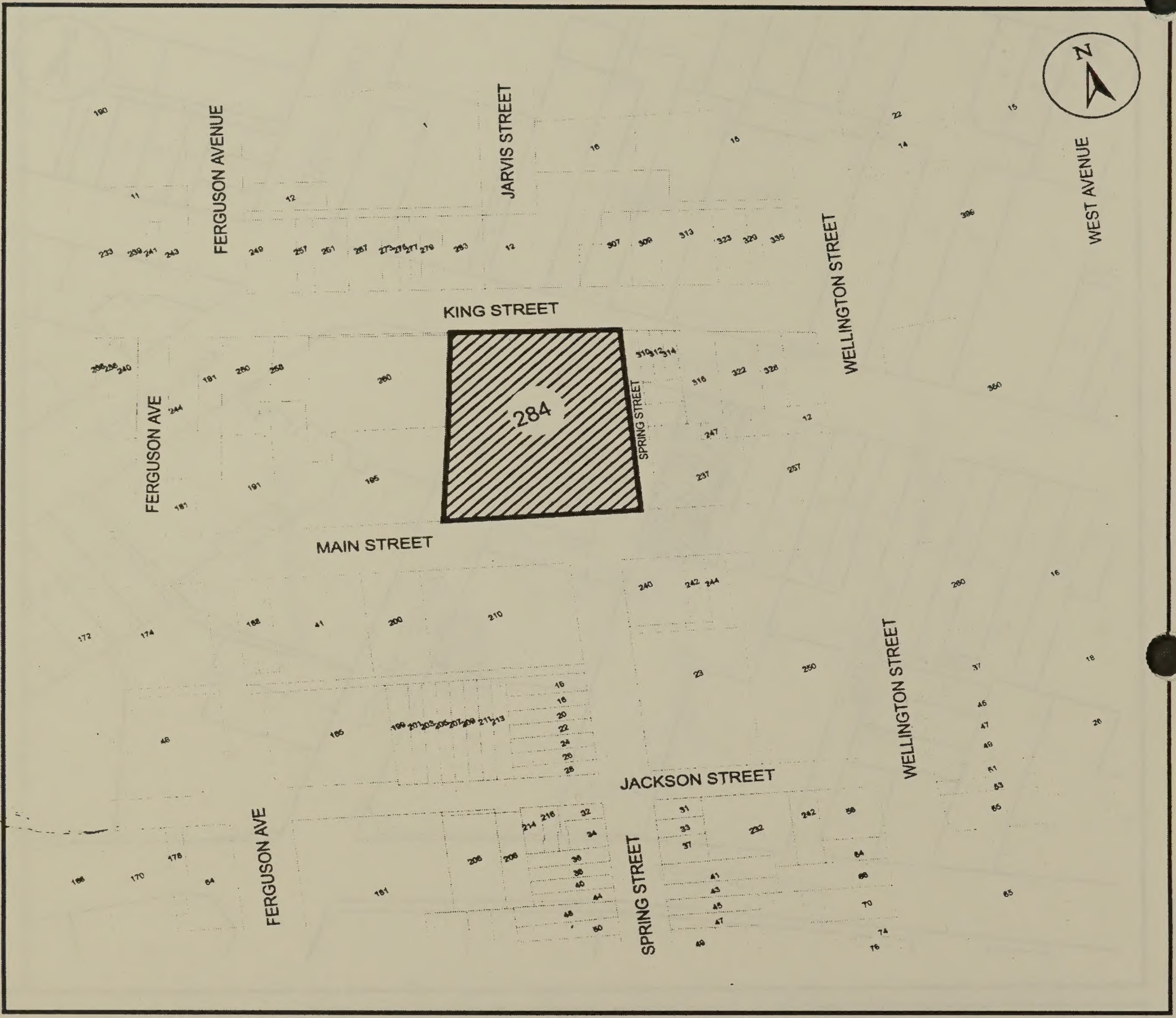
Filename/number
24 King St. W.

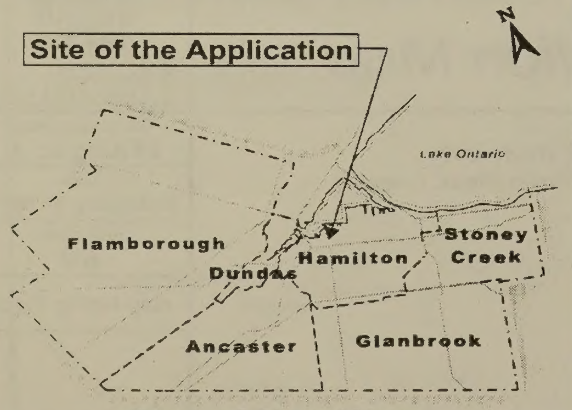
Date
February 4, 2003

Technician
NM

Map Not to Scale

Attachment 13 to Report PD03110
284 King Street East


N
FERGUSON AVENUE
JARVIS STREET
WELLINGTON STREET
WEST AVENUE
KING STREET
FERGUSON AVE
284
SPRING STREET
MAIN STREET
WELLINGTON STREET
JACKSON STREET
FERGUSON AVE
SPRING STREET


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook

City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
284 King Street East

Hamilton

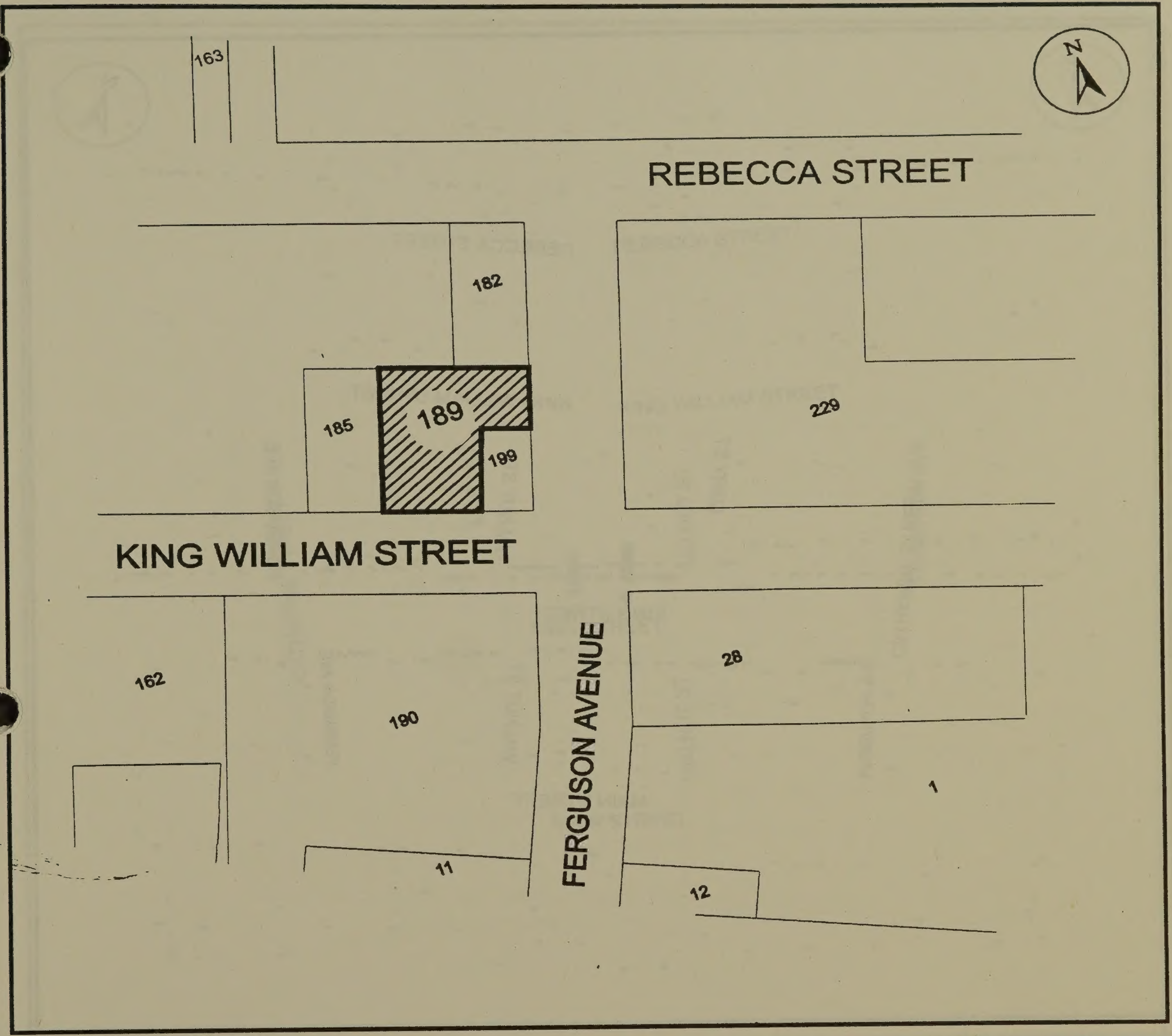
Filename/number
284 King St. E.

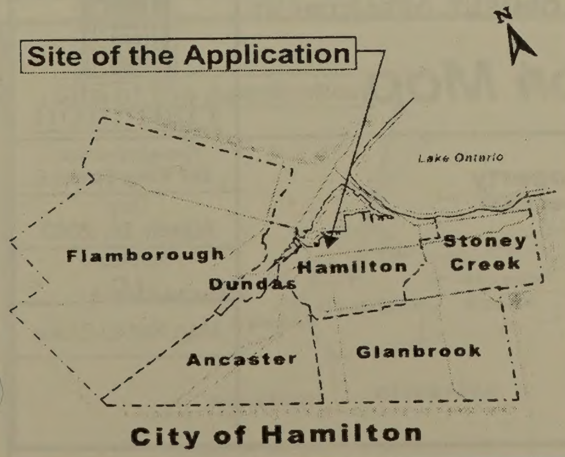
Date
March 20, 2003

Technician:
LC

Map Not to Scale

Attachment 14 to Report PD03110
189 King William


N
163
REBECCA STREET
182
189
185
199
229
KING WILLIAM STREET
162
190
FERGUSON AVENUE
28
1
11
12


N
Site of the Application
Lake Ontario
Flamborough
Hamilton
Stoney Creek
Dundas
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
189 King William Street

Hamilton

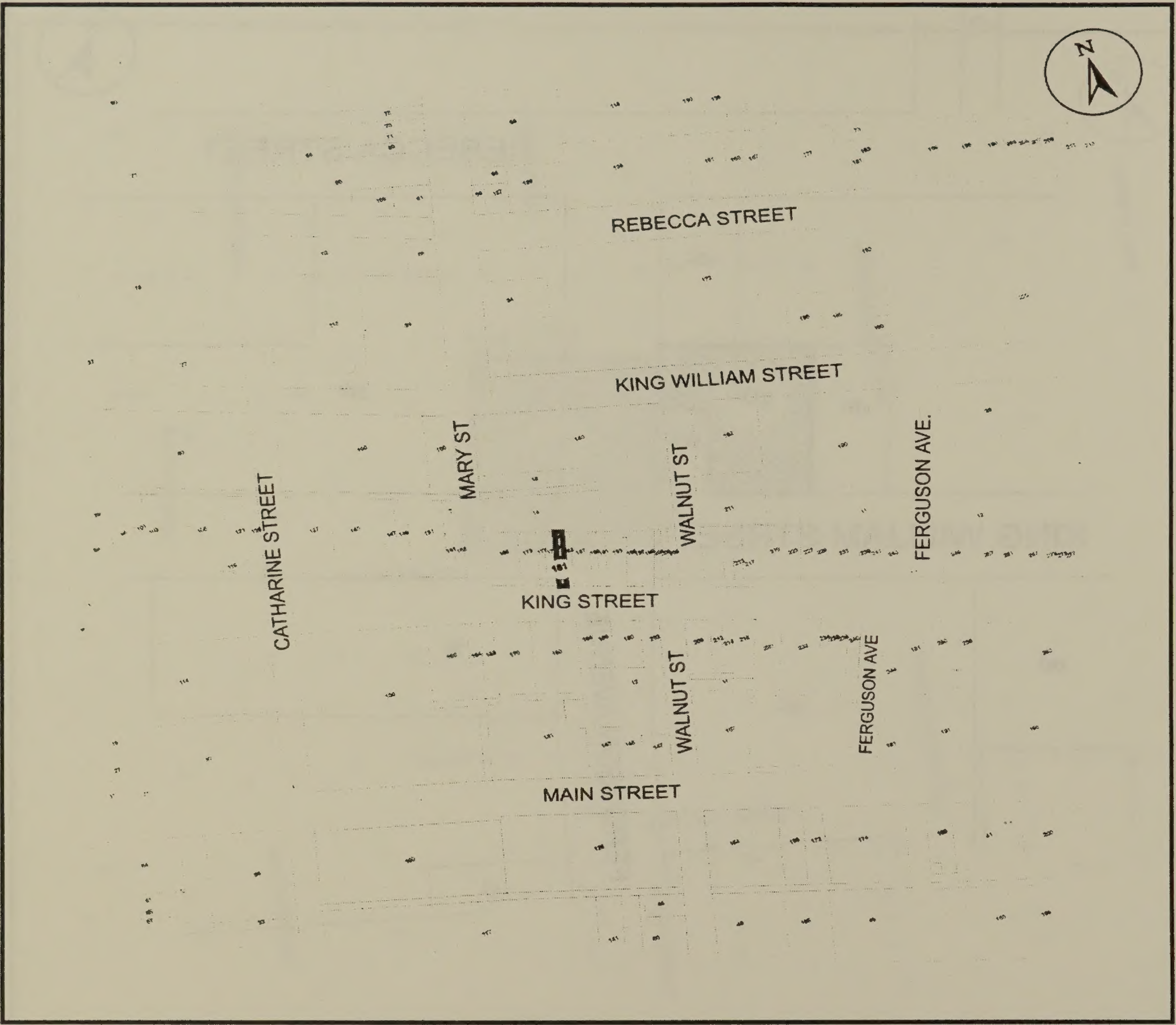
Filename/number
189 King William St.

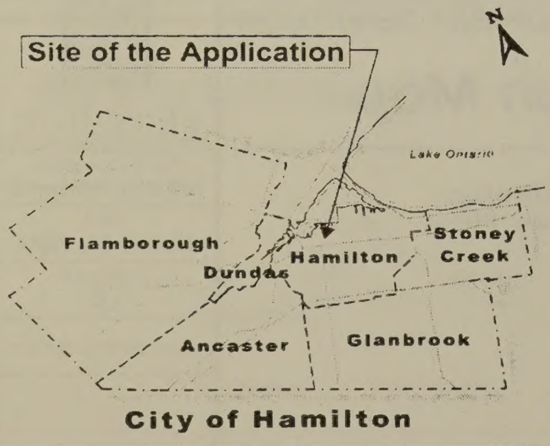
Date
March 20, 2003

Technician
LC

Map Not to Scale

Attachment 15 to Report PD03110
181 King Street East


N
REBECCA STREET
KING WILLIAM STREET
MARY ST
CATHARINE STREET
WALNUT ST
FERGUSON AVE.
181
KING STREET
WALNUT ST
FERGUSON AVE
MAIN STREET


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
181 King Street East

Hamilton

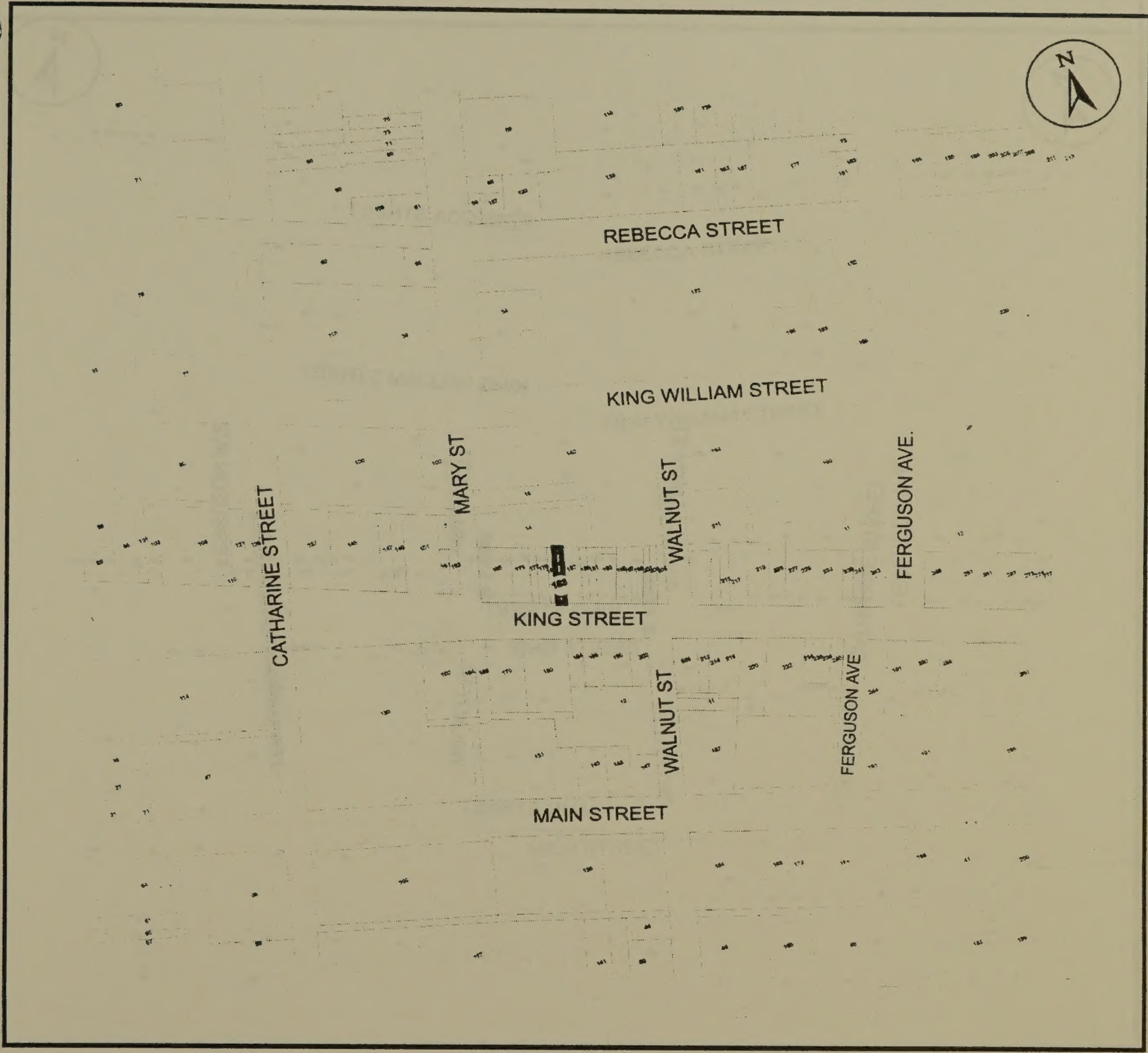
Filename/number
181 King Street E.

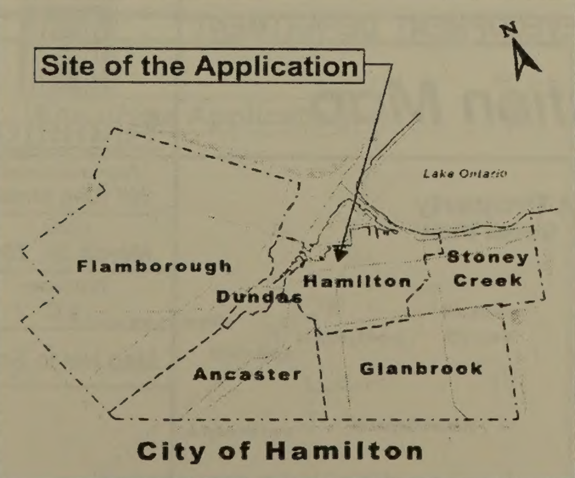
Date
March 20, 2003

Technician:
LC

Map Not to Scale

Attachment 16 to Report PD03110
183 King Street East


N
REBECCA STREET
KING WILLIAM STREET
CATHARINE STREET
MARY ST
WALNUT ST
FERGUSON AVE.
KING STREET
WALNUT ST
FERGUSON AVE
MAIN STREET


N
Site of the Application
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
183 King Street East

Hamilton

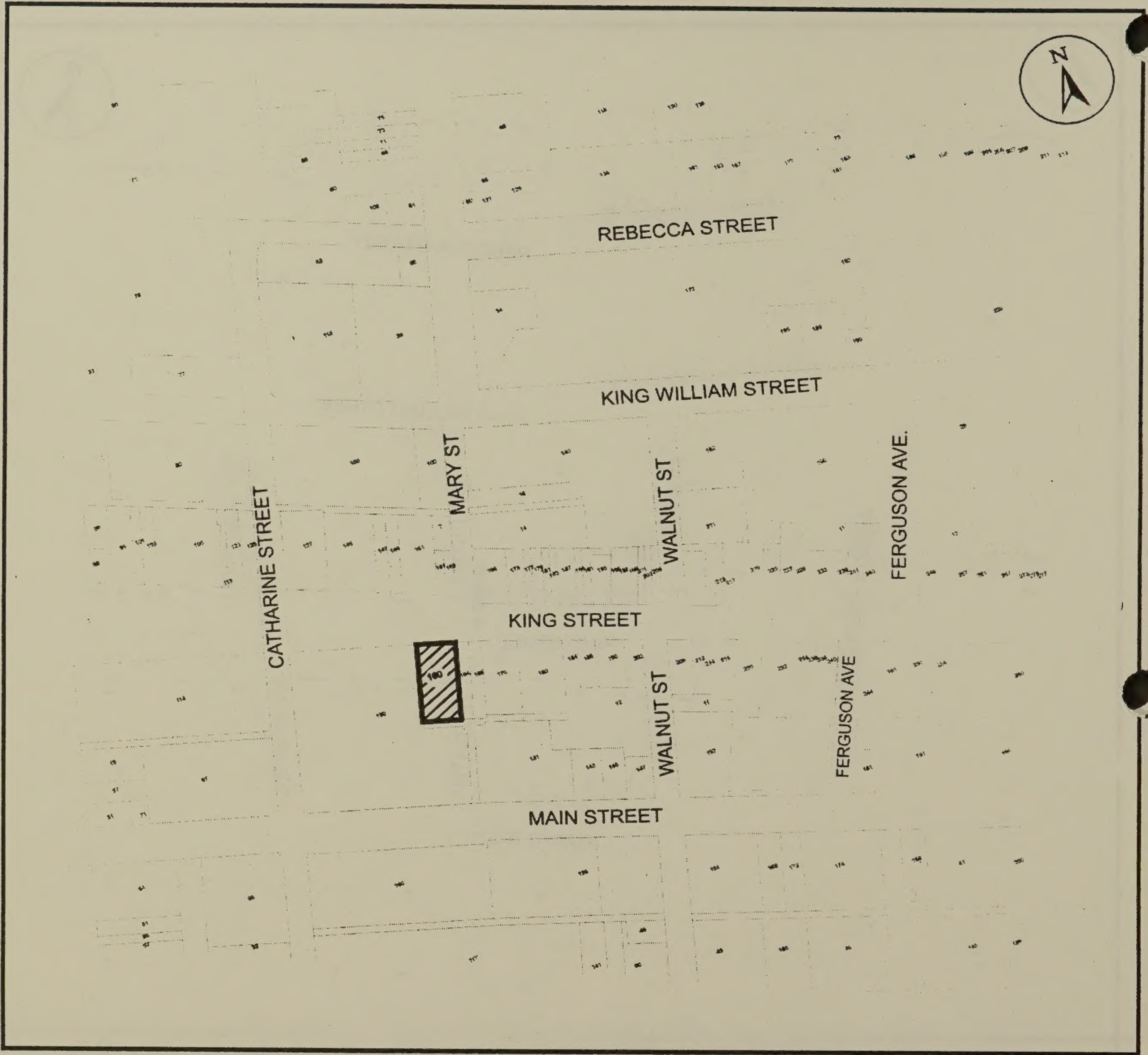
Filename/number
183 King Street E.

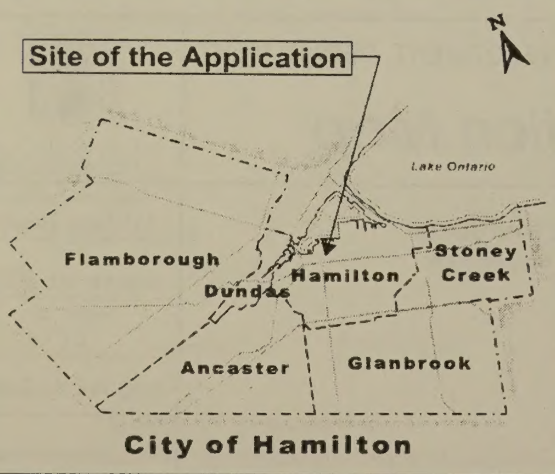
Date
March 20, 2003

Technician.
LC

Map Not to Scale

Attachment 19 to Report PD03110
160 King Street East


N
REBECCA STREET
KING WILLIAM STREET
MARY ST
CATHARINE STREET
WALNUT ST
FERGUSON AVE.
KING STREET
160
WALNUT ST
FERGUSON AVE
MAIN STREET


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

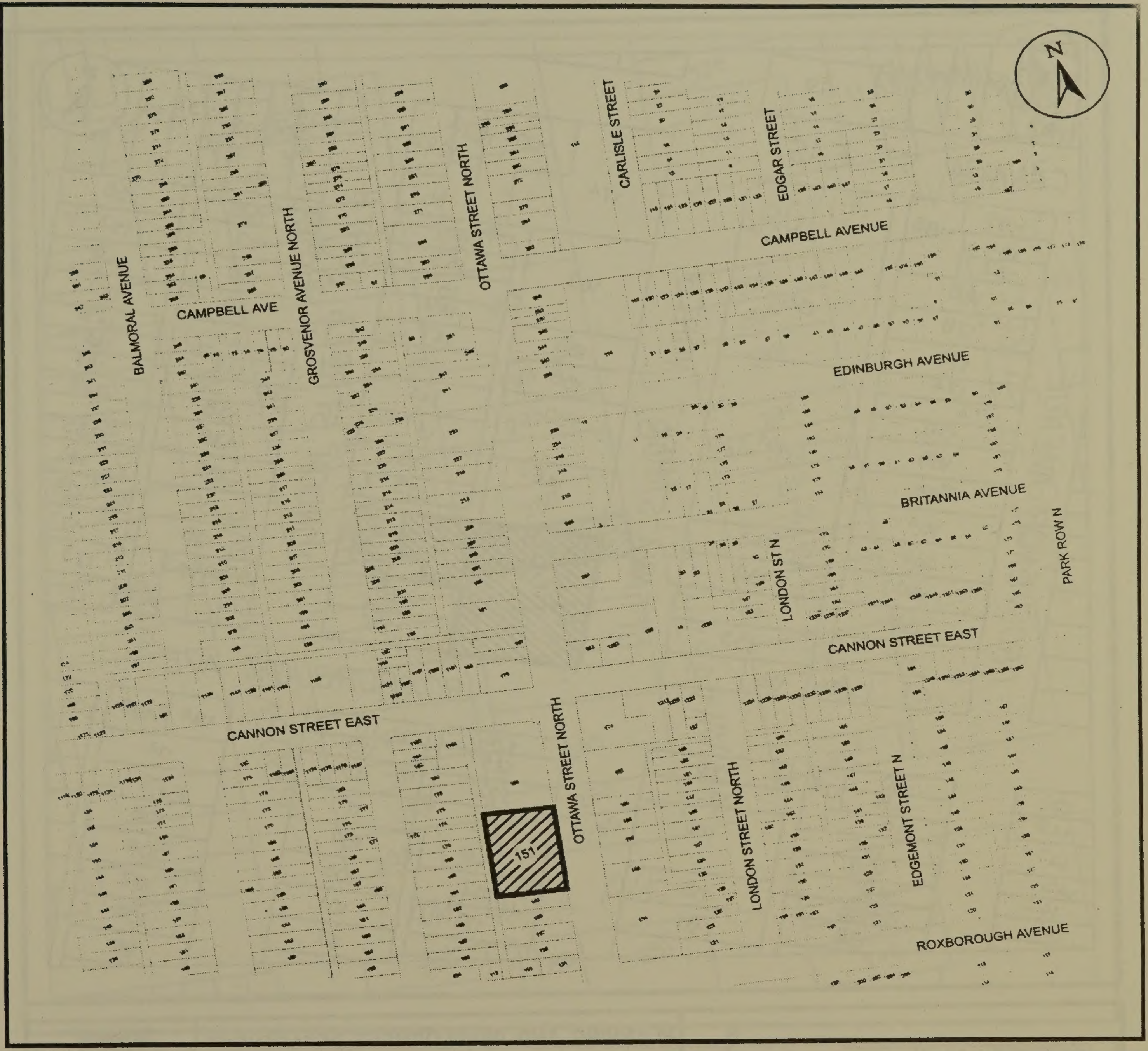
Location Map

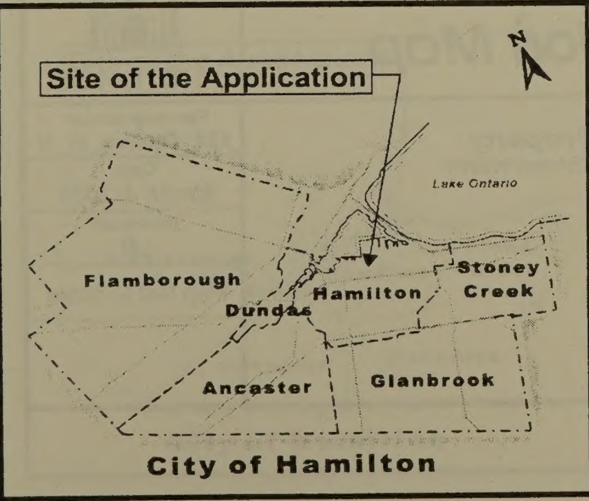
▨ **Subject Property**
160 King Street East

Hamilton

Filename/number	*160 King Street E.*
Date	*March 21, 2003*
Technician:	*LC*
Map Not to Scale	

Attachment 20 to Report PD03110
151 Ottawa Street North


N
BALMORAL AVENUE
CAMPBELL AVE
GROSVENOR AVENUE NORTH
OTTAWA STREET NORTH
CARLISLE STREET
EDGAR STREET
CAMPBELL AVENUE
EDINBURGH AVENUE
BRITANNIA AVENUE
PARK ROW N
LONDON ST N
CANNON STREET EAST
CANNON STREET EAST
151
OTTAWA STREET NORTH
LONDON STREET NORTH
EDGEMONT STREET N
ROXBOROUGH AVENUE


Site of the Application
N
Lake Ontario
Flamborough
Hamilton
Stoney Creek
Dundas
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

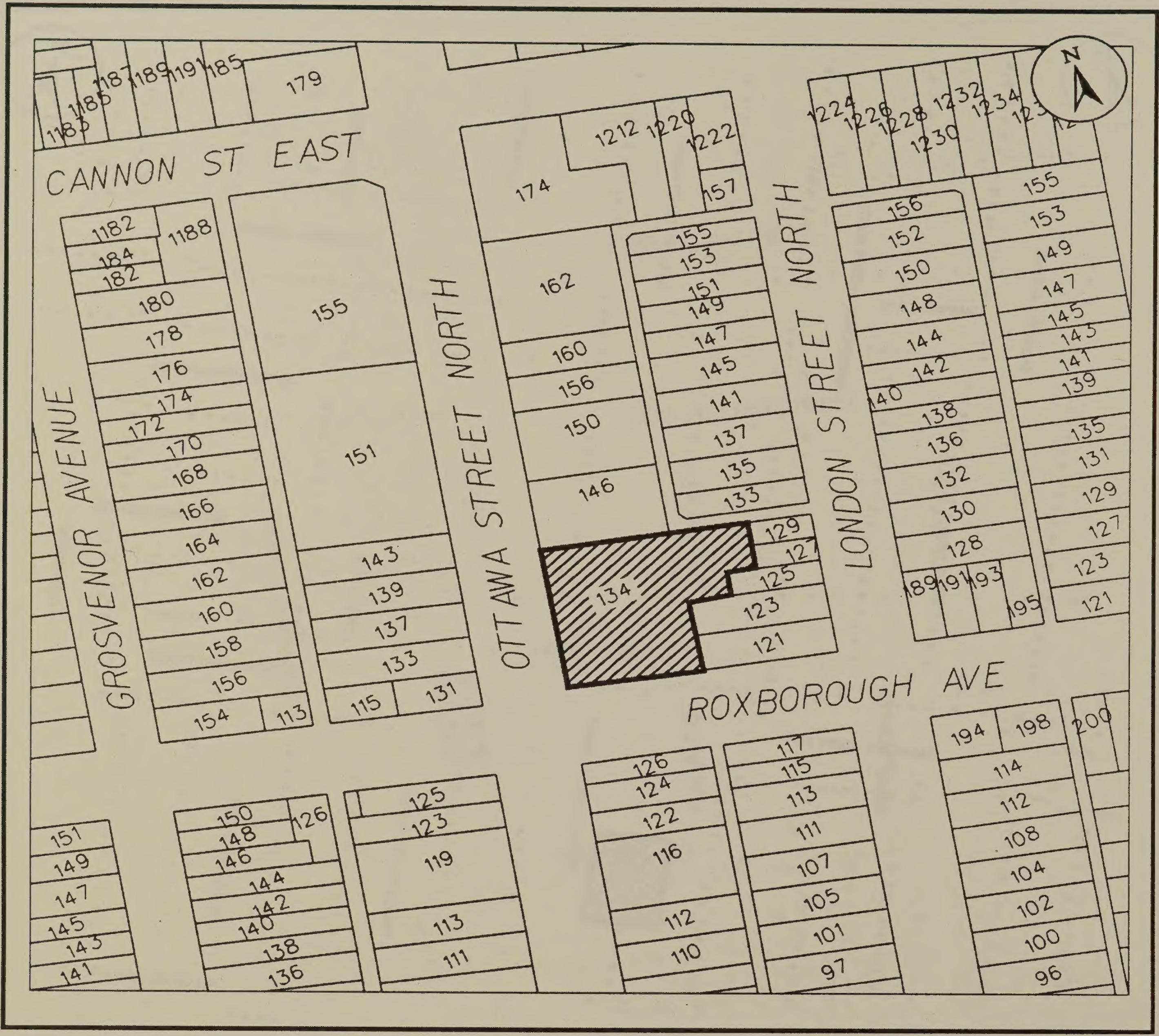
Location Map

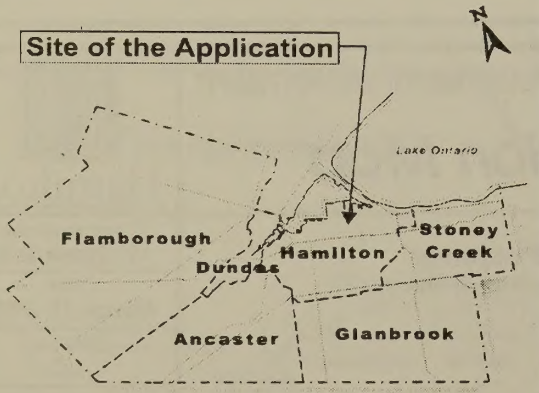
▨ **Subject Property**
151 Ottawa Street North

Hamilton

Filename/number	*151 Ottawa St. N.*
Date	*March 21, 2003*
Technician:	*LC*
Map Not to Scale	

Attachment 21 to Report PD03110
134 Ottawa Street North


N
CANNON ST EAST
GROSVENOR AVENUE
OTTAWA STREET NORTH
LONDON STREET NORTH
ROXBOROUGH AVE
134


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook

City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Hamilton

▨ **Subject Property**
134 Ottawa Street North

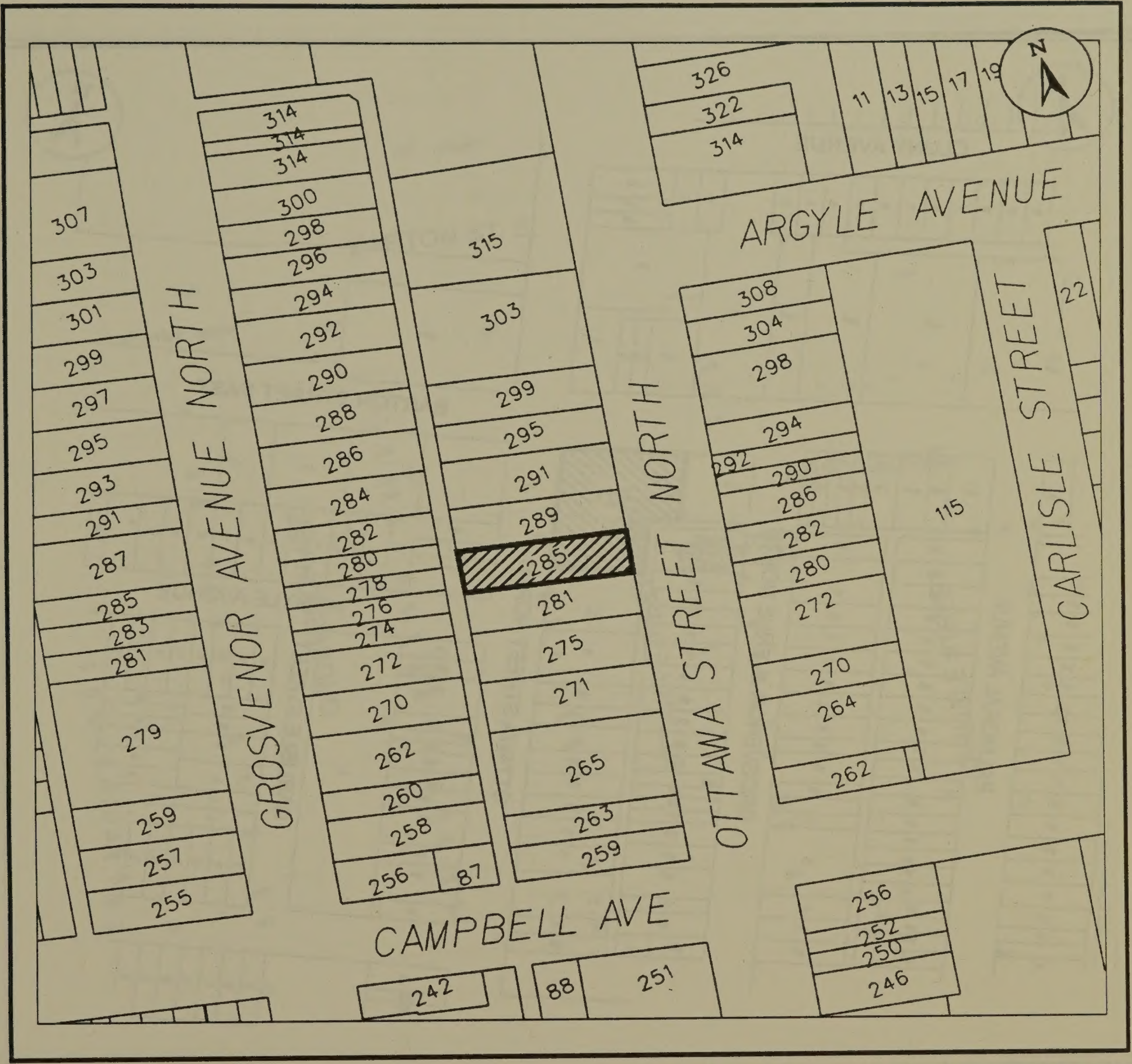
Filename/number
134_Ottawa_st_N

Date
March 4, 2003

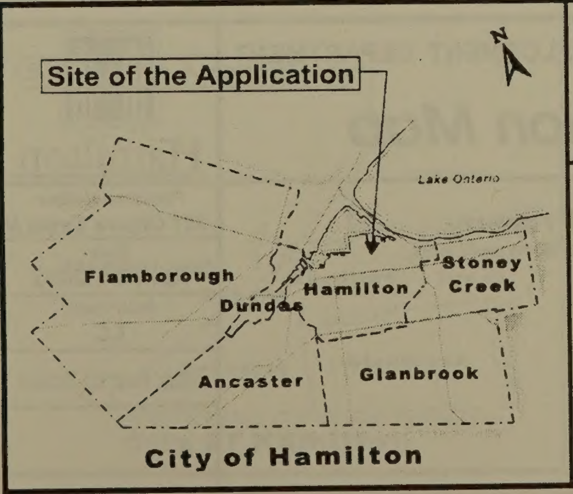
Technician:
LM

Map Not to Scale

Attachment 22 to Report PD03110
285 Ottawa Street North



N
307
303
301
299
297
295
293
291
287
285
283
281
279
259
257
255
GROSVENOR AVENUE NORTH
314
314
314
300
298
296
294
292
290
288
286
284
282
280
278
276
274
272
270
262
260
258
256
87
315
303
299
295
291
289
285
281
275
271
265
263
259
OTTAWA STREET NORTH
326
322
314
11
13
15
17
19
ARGYLE AVENUE
308
304
298
294
292
290
286
282
280
272
270
264
262
115
CARLISLE STREET
22
CAMPBELL AVE
242
88
251
256
252
250
246



Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
285 Ottawa Street North

Hamilton

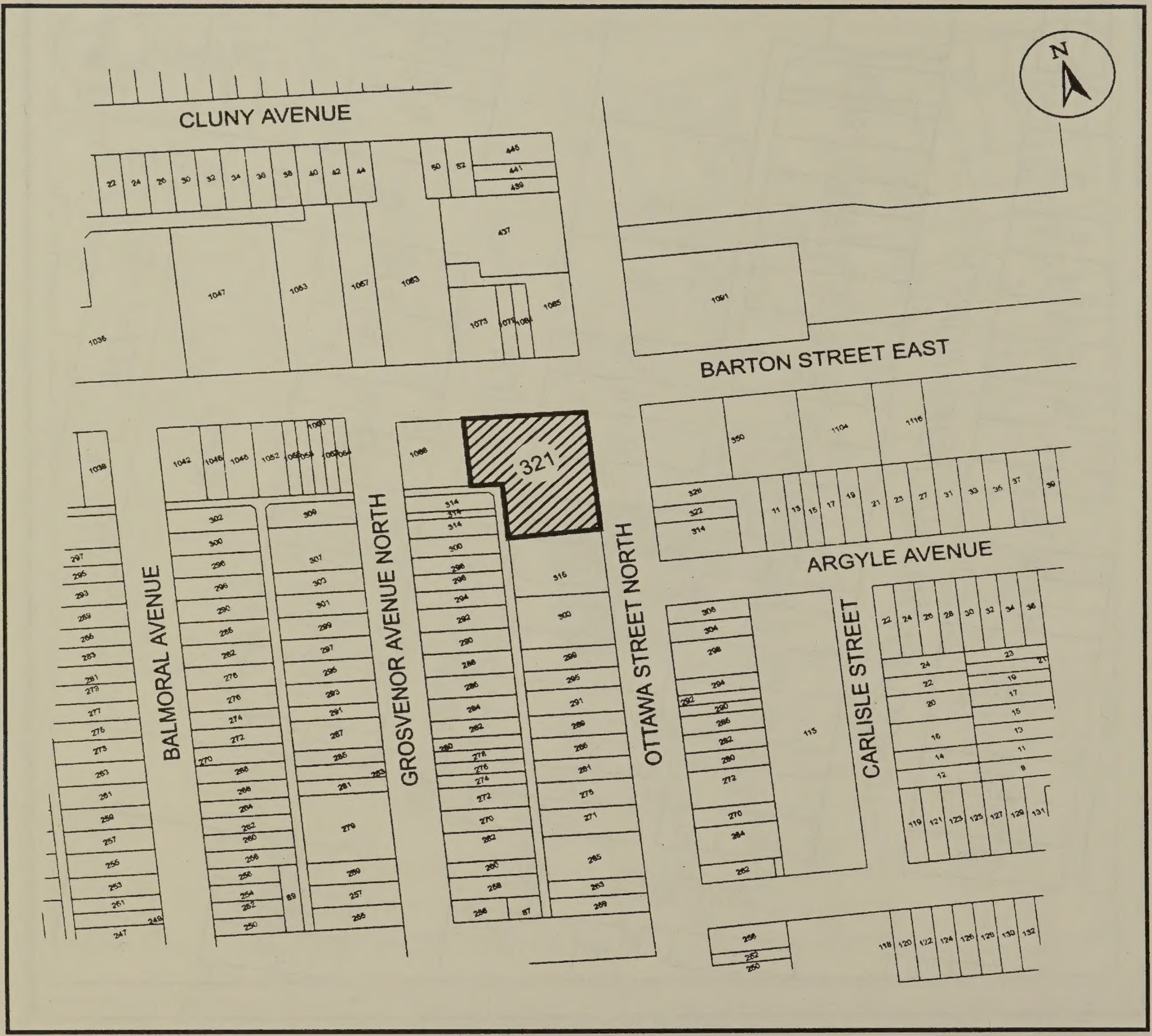
Filename/number
285_Ottawa_st_N

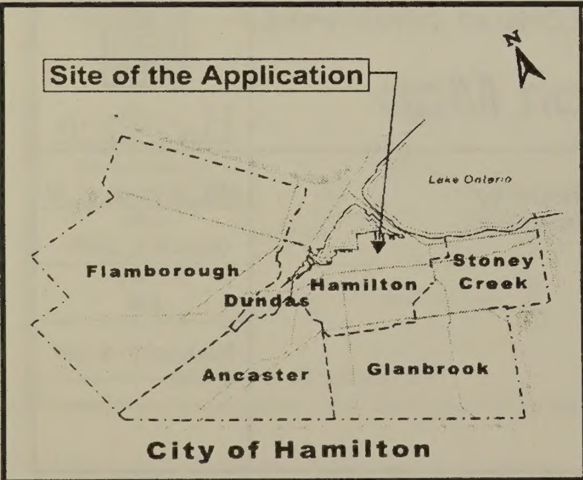
Date
March 4, 2003

Technician:
LM

Map Not to Scale

Attachment 23 to Report PD03110
333 Ottawa Street North (assessed as 321 Ottawa Street North)


N
CLUNY AVENUE
BARTON STREET EAST
ARGYLE AVENUE
BALMORAL AVENUE
GROSVENOR AVENUE NORTH
OTTAWA STREET NORTH
CARLISLE STREET
321


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Hamilton

▨ **Subject Property**
321 Ottawa Street Nortl

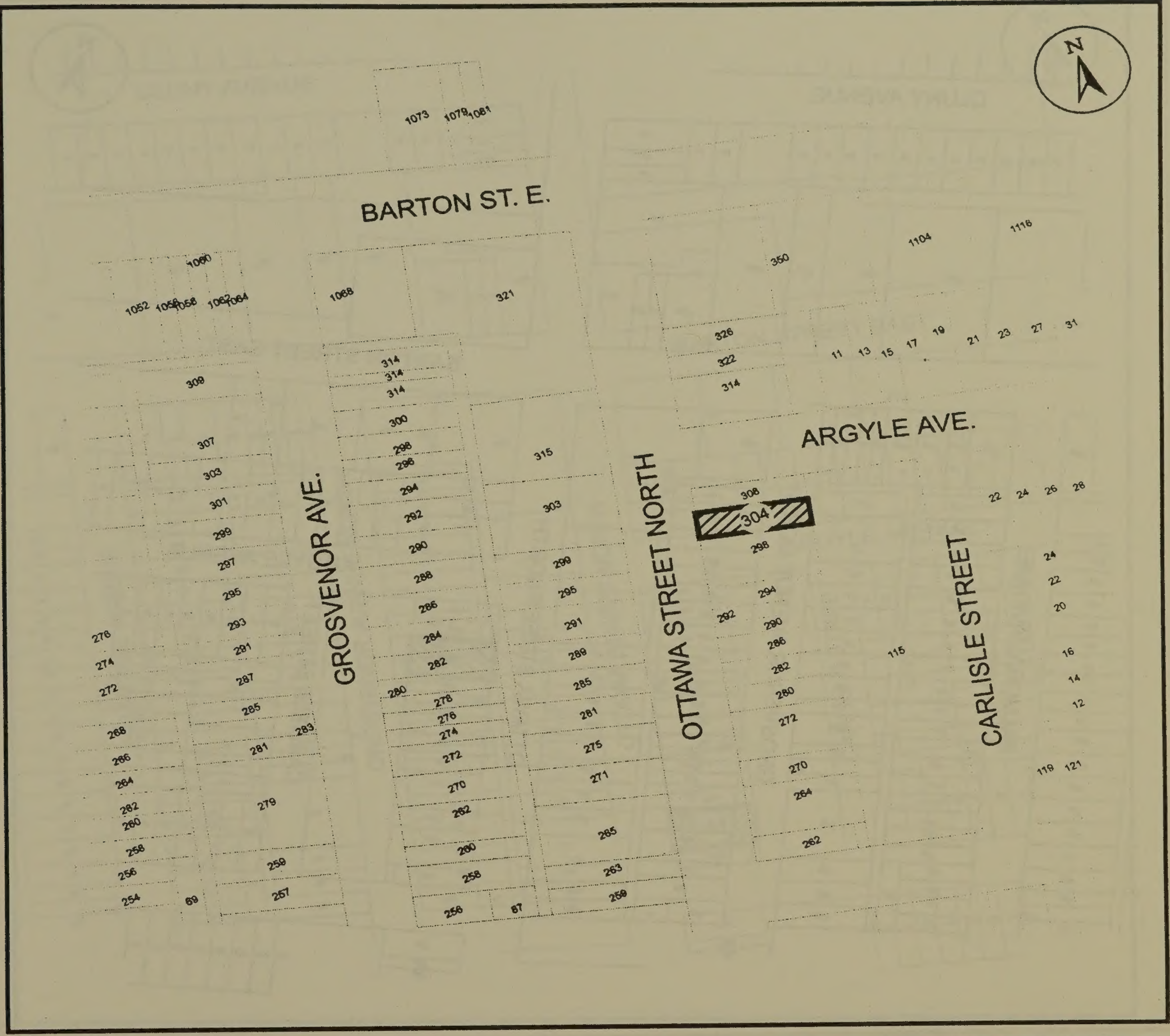
Filename/number
321 Ottawa Street N.

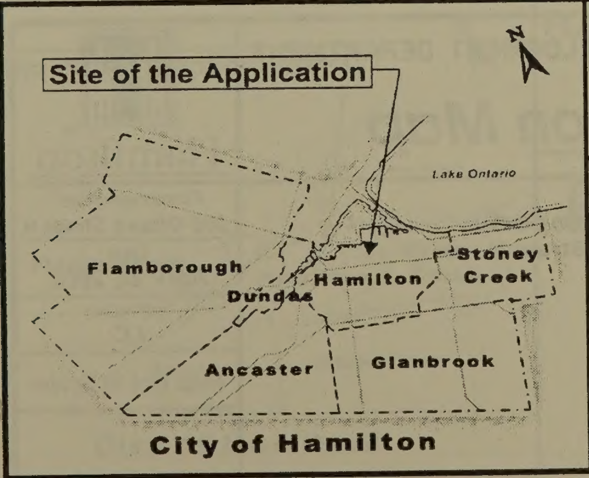
Date
April 24, 2003

Technician:
LC

Map Not to Scale

Attachment 24 to Report PD03110
304 Ottawa Street North


N
BARTON ST. E.
ARGYLE AVE.
GROSVENOR AVE.
OTTAWA STREET NORTH
CARLISLE STREET
304


N
Site of the Application
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
304 Ottawa Street North

Hamilton

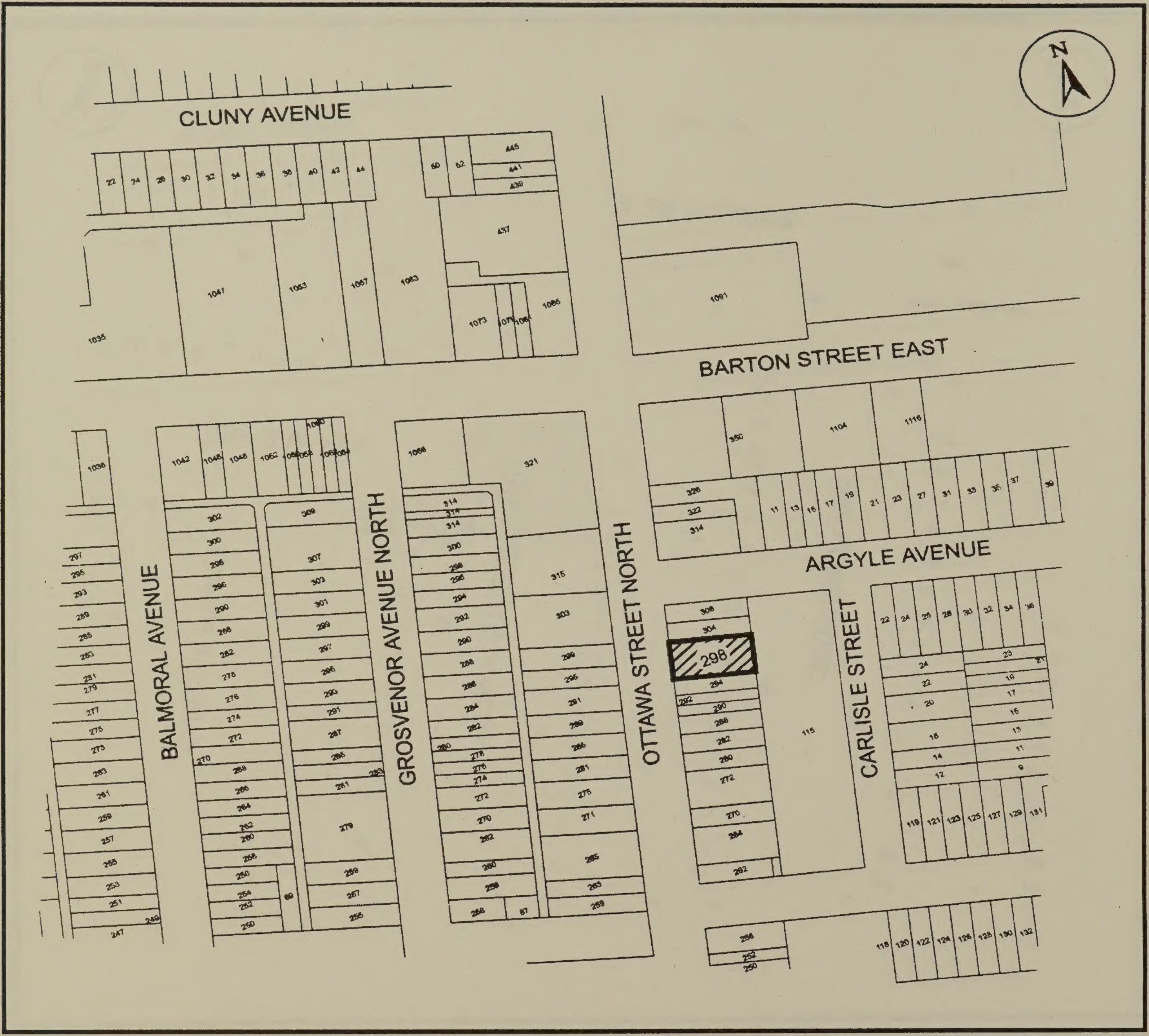
Filename/number
304 Ottawa St. N.

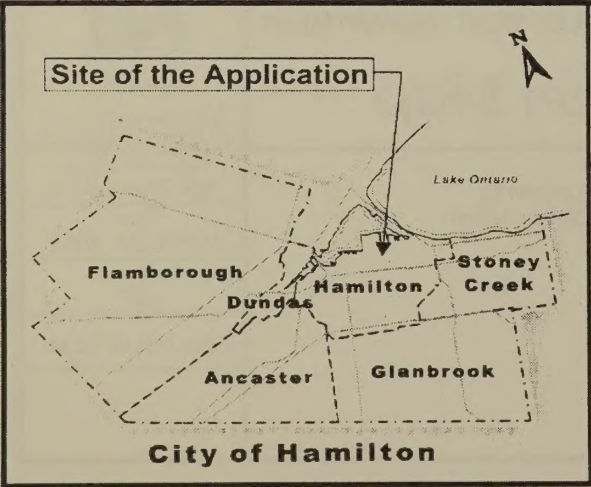
Date
March 21, 2003

Technician
LC

Map Not to Scale

Attachment 25 to Report PD03110
300 Ottawa Street North (assessed as 298 Ottawa Street North)


N
CLUNY AVENUE
BARTON STREET EAST
ARGYLE AVENUE
BALMORAL AVENUE
GROSVENOR AVENUE NORTH
OTTAWA STREET NORTH
CARLISLE STREET
298


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Hamilton

▨ **Subject Property**
298 Ottawa Street North

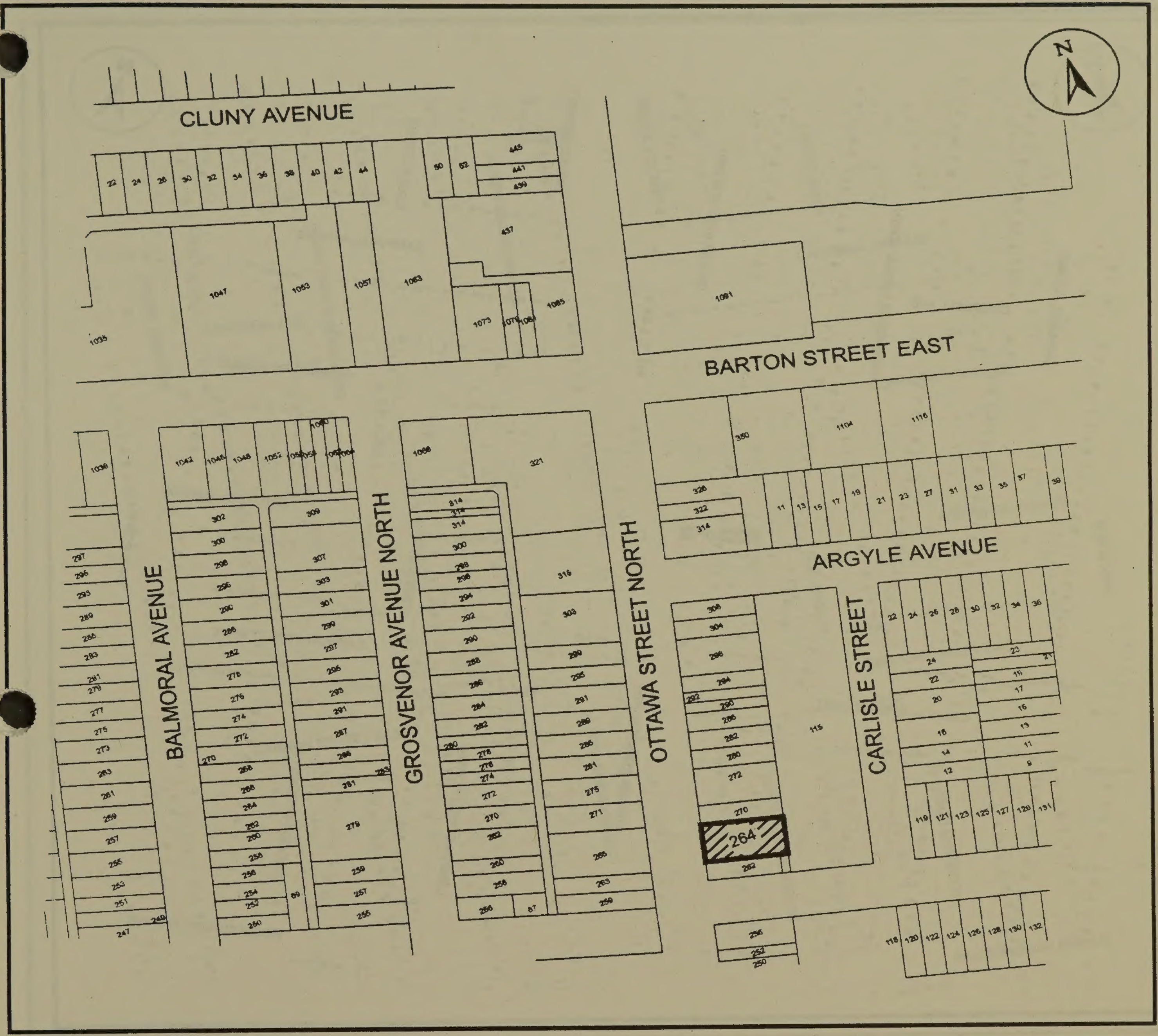
Filename/number
298 Ottawa Street N.

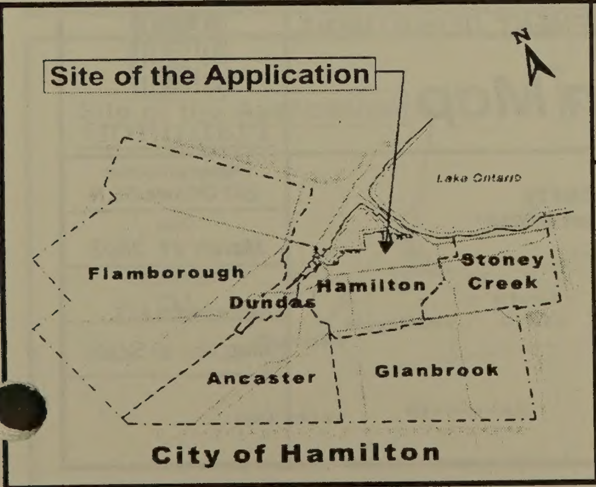
Date
April 24, 2003

Technician:
LC

Map Not to Scale

Attachment 26 to Report PD03110
268 Ottawa Street North (assessed as 264 Ottawa Street North)


N
CLUNY AVENUE
BARTON STREET EAST
ARGYLE AVENUE
BALMORAL AVENUE
GROSVENOR AVENUE NORTH
OTTAWA STREET NORTH
CARLISLE STREET
264


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Hamilton

▨ **Subject Property**
264 Ottawa Street North

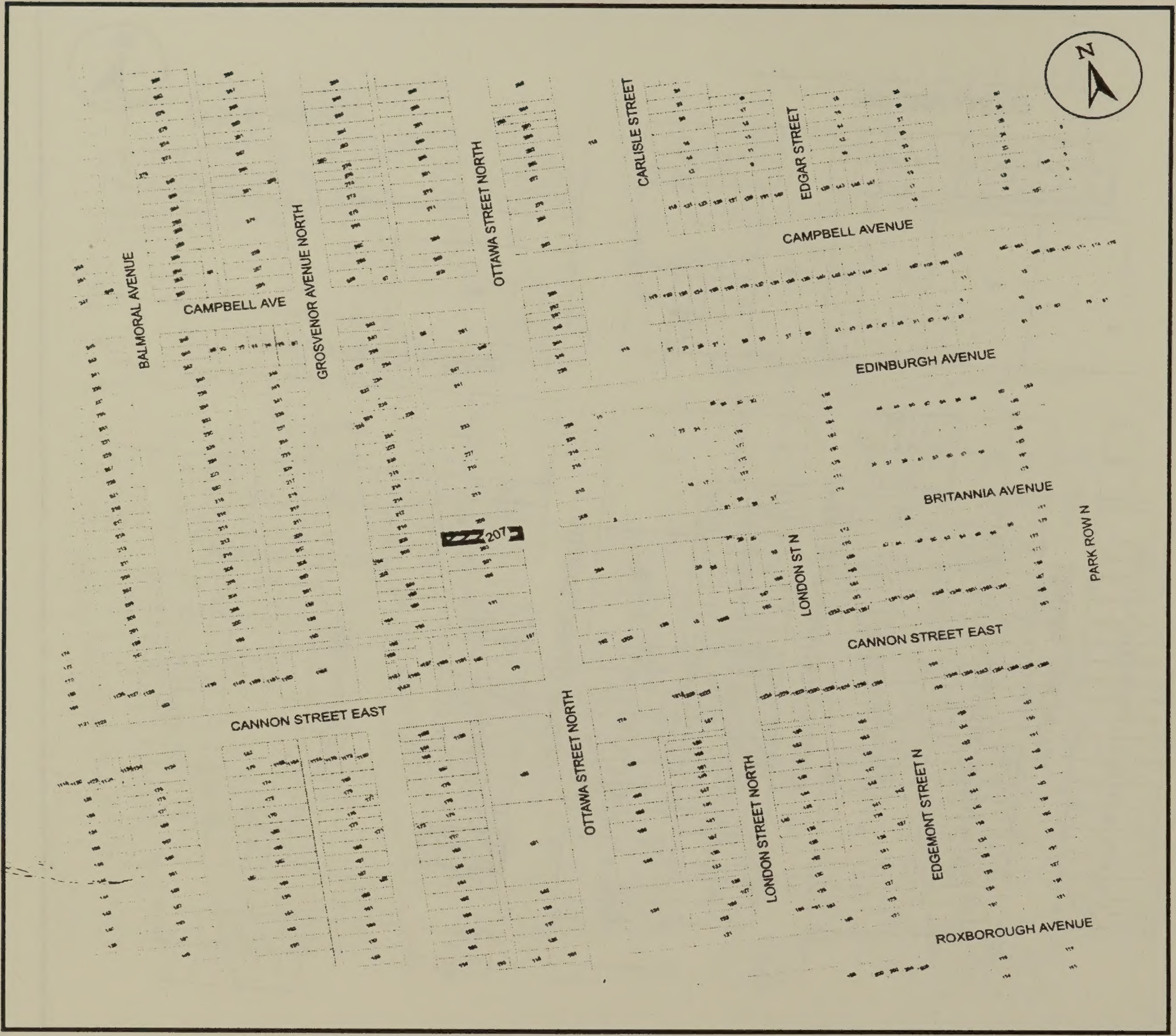
Filename/number
264 Ottawa Street N.

Date
April 24, 2003

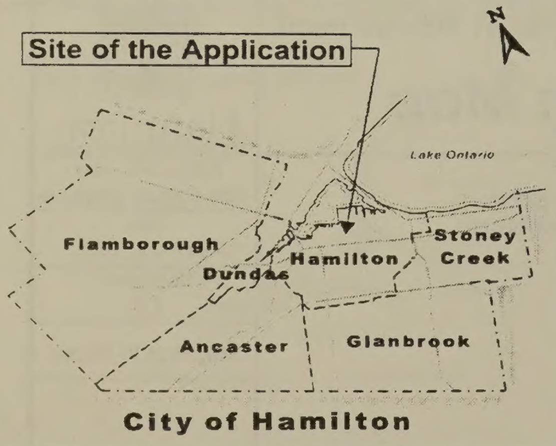
Technician
LC

Map Not to Scale

Attachment 27 to Report PD03110
207 Ottawa Street North



N
CARLISLE STREET
EDGAR STREET
OTTAWA STREET NORTH
GROSVENOR AVENUE NORTH
BALMORAL AVENUE
CAMPBELL AVE
CAMPBELL AVENUE
EDINBURGH AVENUE
BRITANNIA AVENUE
PARK ROW N
207
LONDON ST N
CANNON STREET EAST
CANNON STREET EAST
OTTAWA STREET NORTH
LONDON STREET NORTH
EDGEMONT STREET N
ROXBOROUGH AVENUE



Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Hamilton

▨ **Subject Property**
207 Ottawa Street North

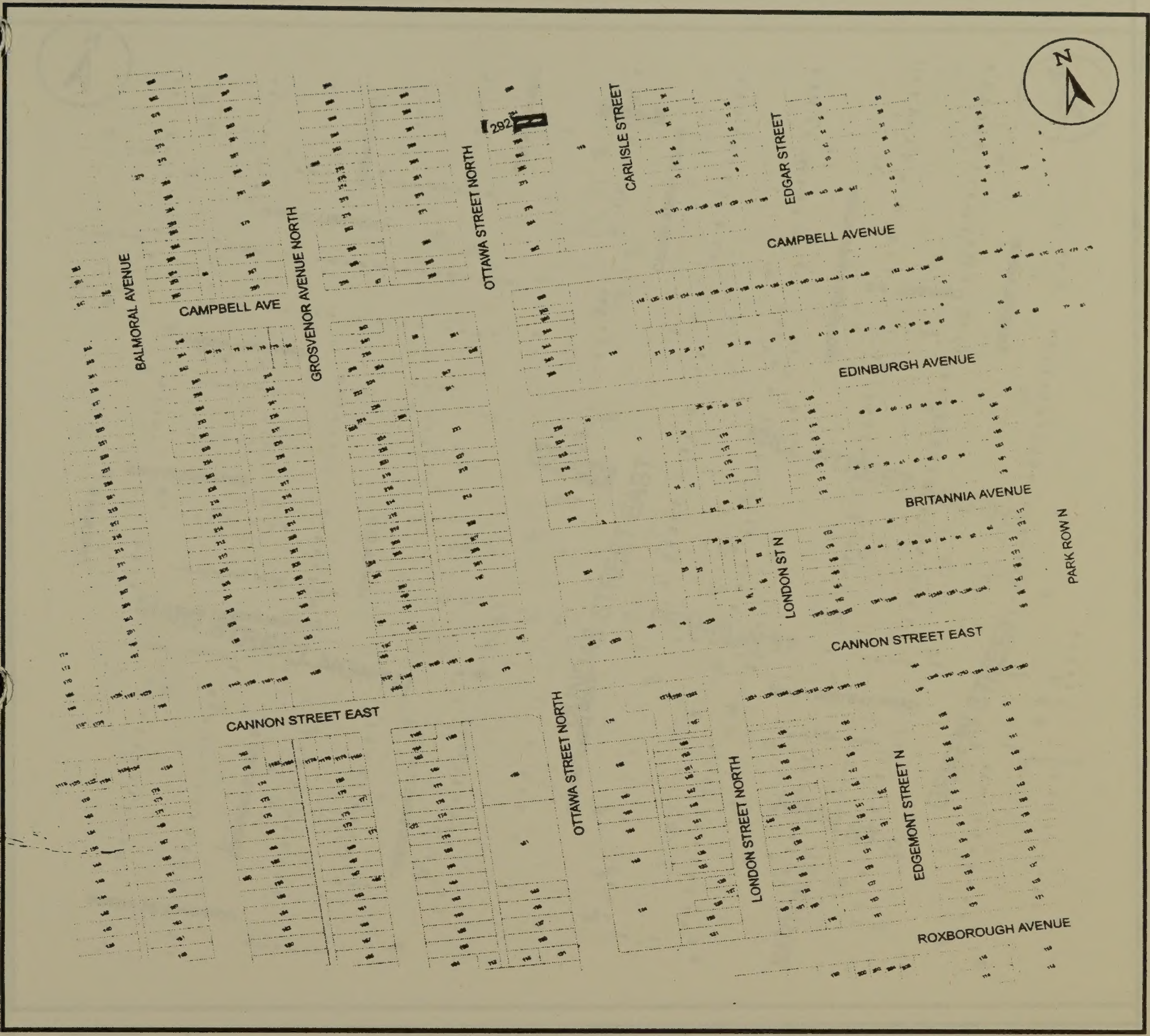
Filename/number
207 Ottawa St. N.

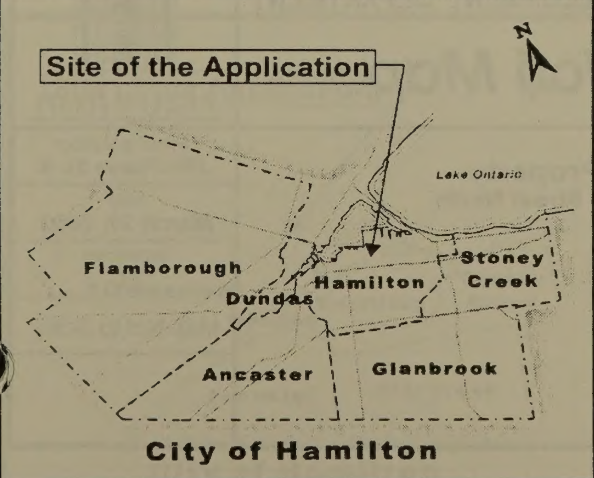
Date
March 21, 2003

Technician:
LC

Map Not to Scale

Attachment 28 to Report PD03110
292 Ottawa Street North


N
292
BALMORAL AVENUE
CAMPBELL AVE
GROSVENOR AVENUE NORTH
OTTAWA STREET NORTH
CARLISLE STREET
EDGAR STREET
CAMPBELL AVENUE
EDINBURGH AVENUE
BRITANNIA AVENUE
PARK ROW N
LONDON ST N
CANNON STREET EAST
CANNON STREET EAST
OTTAWA STREET NORTH
LONDON STREET NORTH
EDGEMONT STREET N
ROXBOROUGH AVENUE


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
292 Ottawa Street North

Hamilton

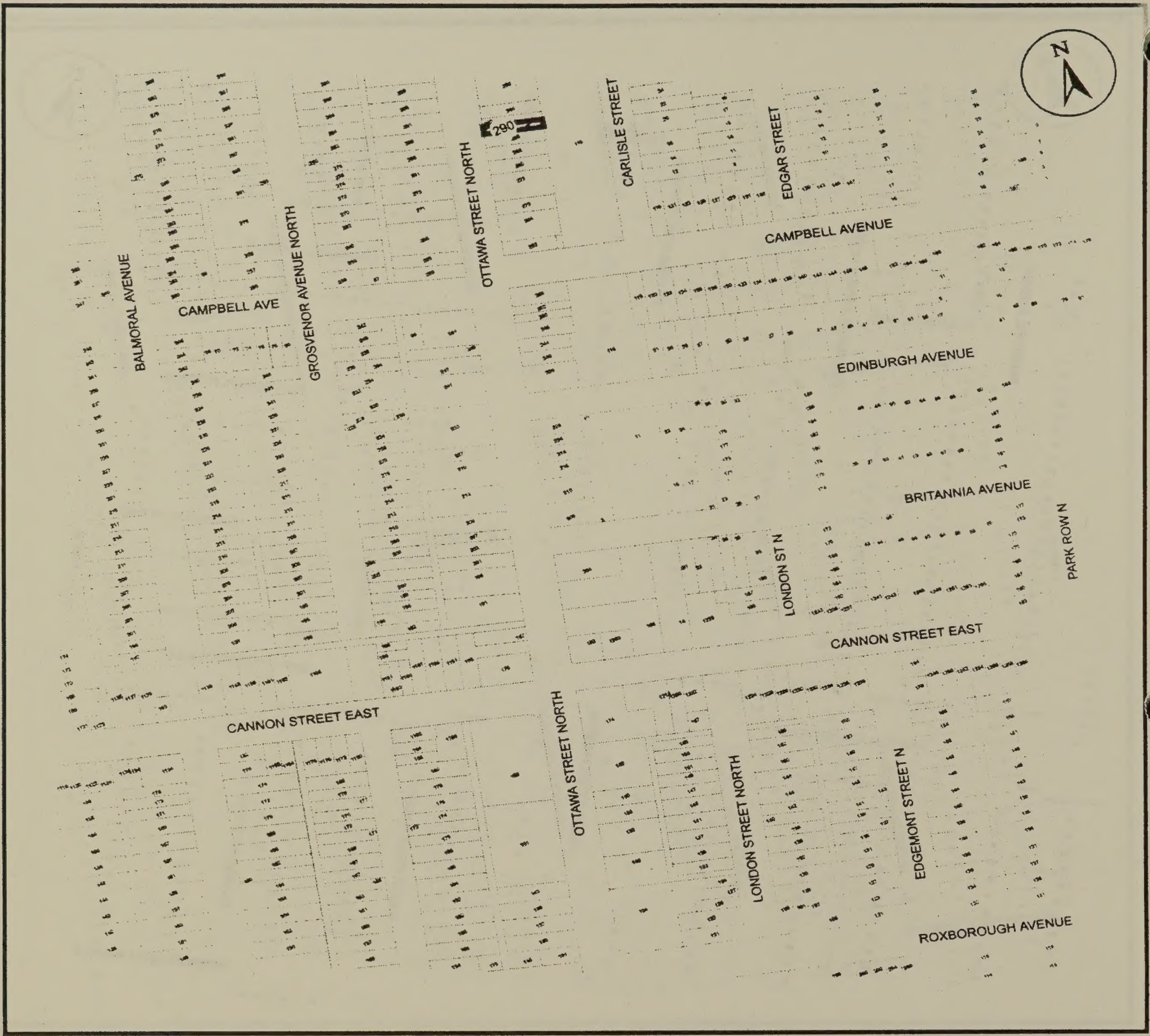
Filename/number
292 Ottawa St. N.

Date
March 21, 2003

Technician:
LC

Map Not to Scale

Attachment 29 to Report PD03110
290 Ottawa Street North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EDINBURGH AVENUE
BRITANNIA AVENUE
PARK ROW N
LONDON ST N
CANNON STREET EAST
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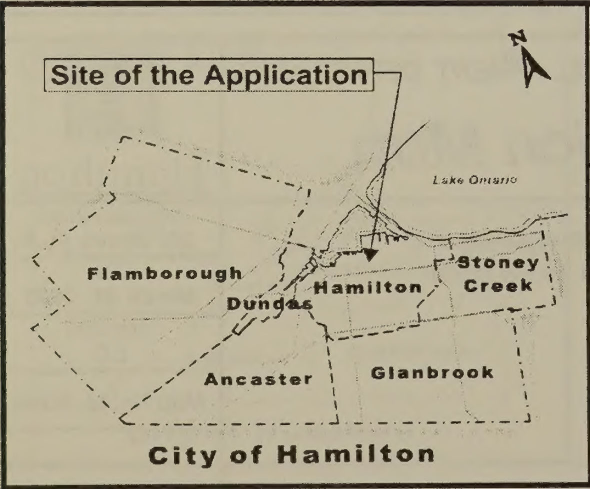
OTTAWA STREET NORTH
LONDON STREET NORTH
EDGEMONT STREET N
ROXBOROUGH AVENUE


N
Site of the Application
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
290 Ottawa Street North

Hamilton

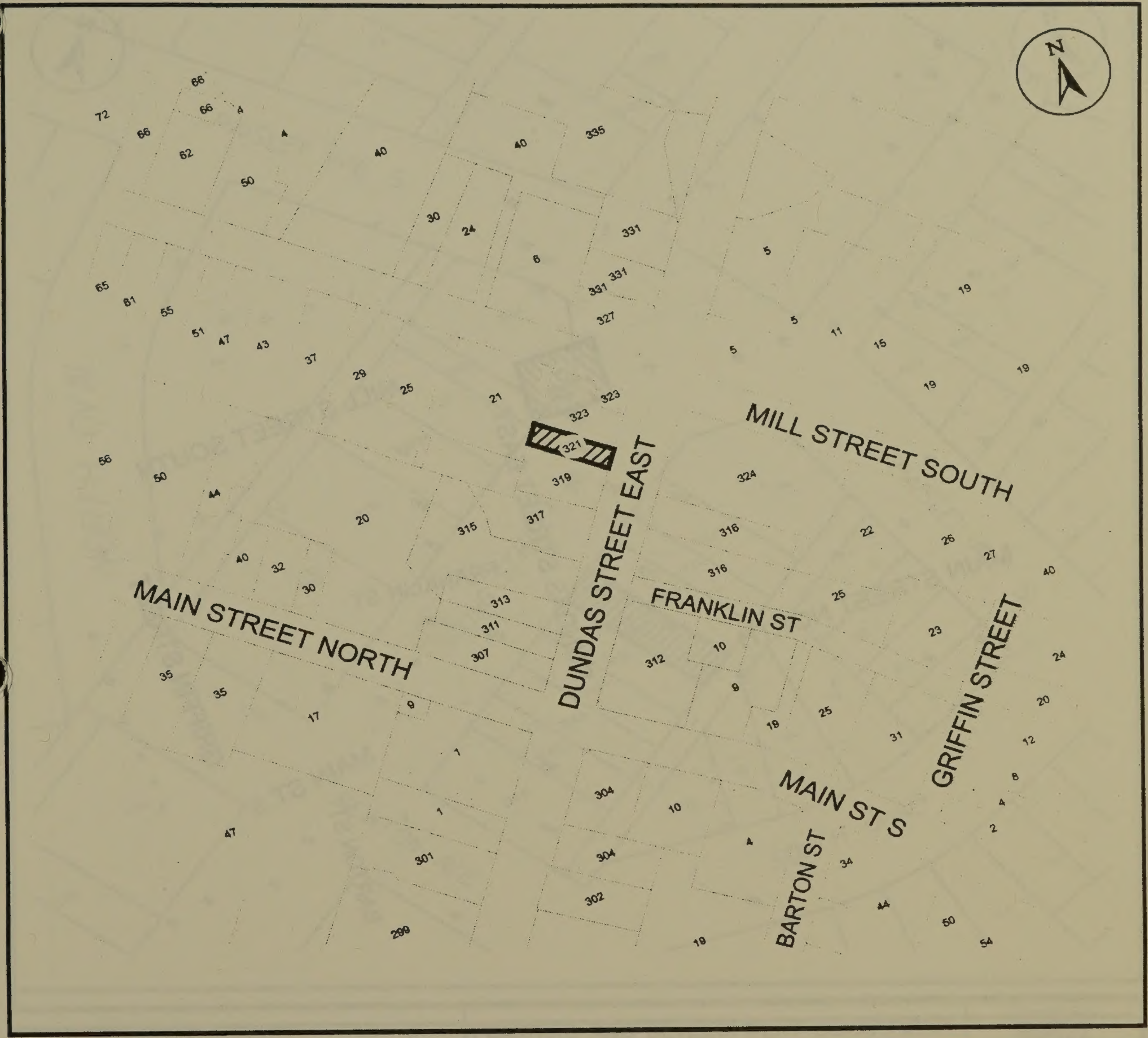
Filename/number
290 Ottawa St. N.

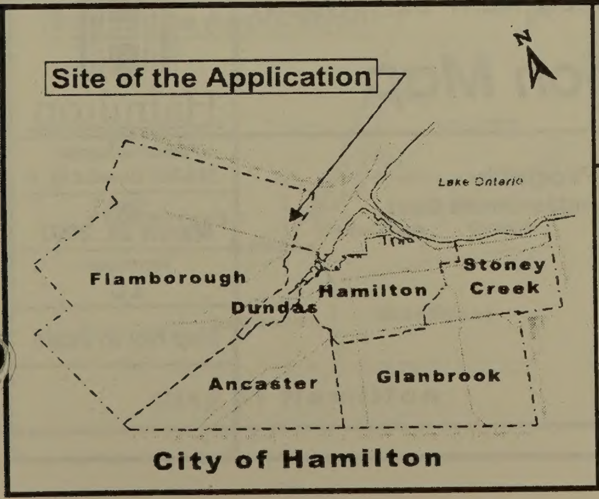
Date
March 21, 2003

Technician:
LC

Map Not to Scale

Attachment 30 to Report PD03110
321 Dundas Street East, Waterdown


N
MILL STREET SOUTH
DUNDAS STREET EAST
FRANKLIN ST
MAIN STREET NORTH
GRIFFIN STREET
MAIN ST S
BARTON ST
321


N
Site of the Application
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
321 Dundas Street East

Hamilton

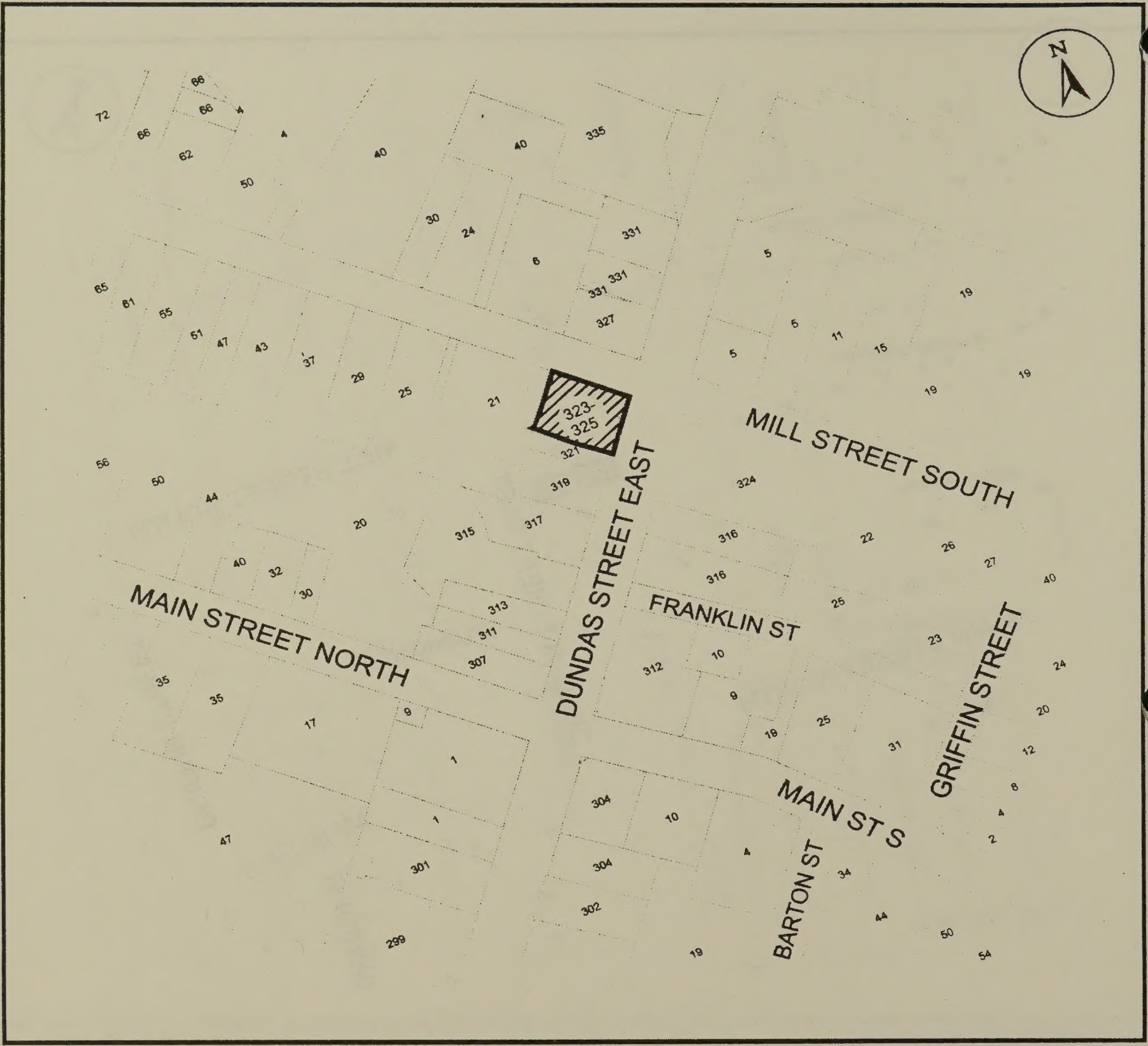
Filename/number
321 Dundas Street E.

Date
March 20, 2003

Technician:
LC

Map Not to Scale

Attachment 31 to Report PD03110
323 – 325 Dundas Street East, Waterdown


N
323-325
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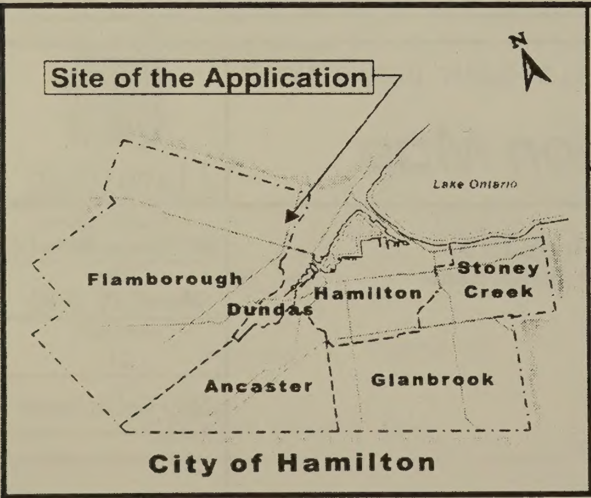
MILL STREET SOUTH
MAIN STREET NORTH
FRANKLIN ST
MAIN ST S
GRIFFIN STREET
BARTON ST


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
323-325 Dundas Street East

Hamilton

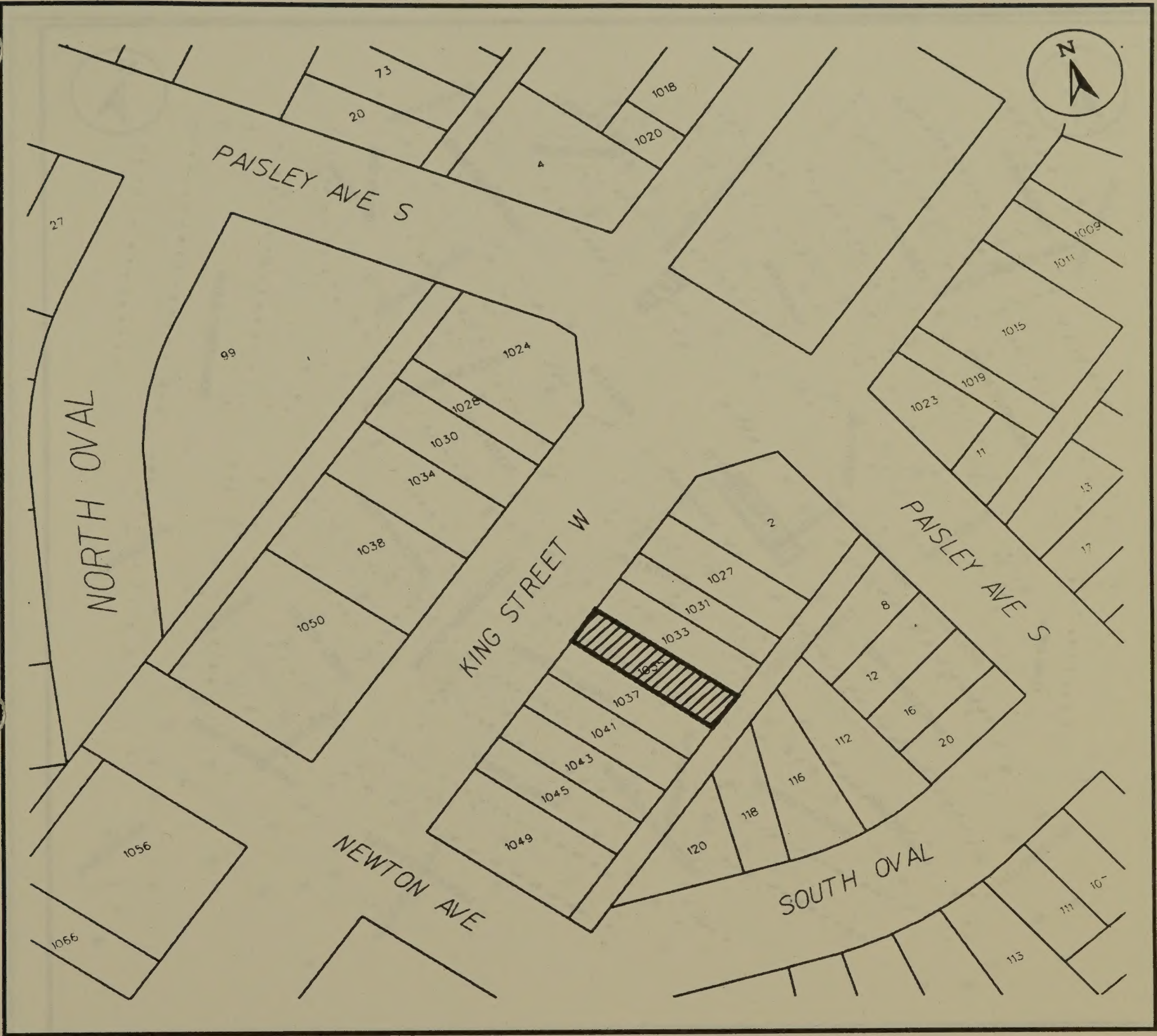
Filename/number
323-325 Dundas St. E.

Date
March 20, 2003

Technician
LC

Map Not to Scale

Attachment 32 to Report PD03110
1035 King Street West


N
PAISLEY AVE S
NORTH OVAL
KING STREET W
NEWTON AVE
SOUTH OVAL
PAISLEY AVE S
73
20
4
1018
1020
27
99
1024
1028
1030
1034
1038
1050
1056
1066
1009
1011
1015
1019
1023
11
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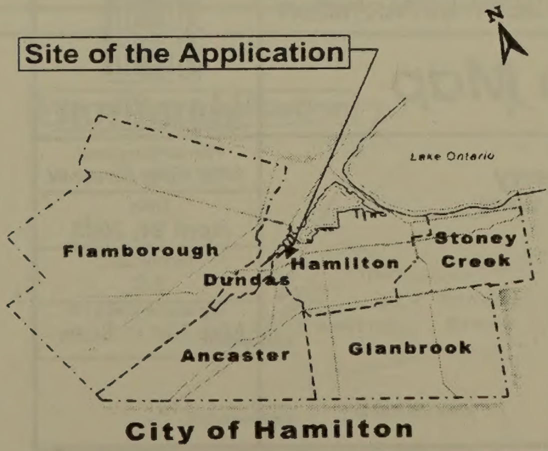
113


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
1035 King Street West

Hamilton

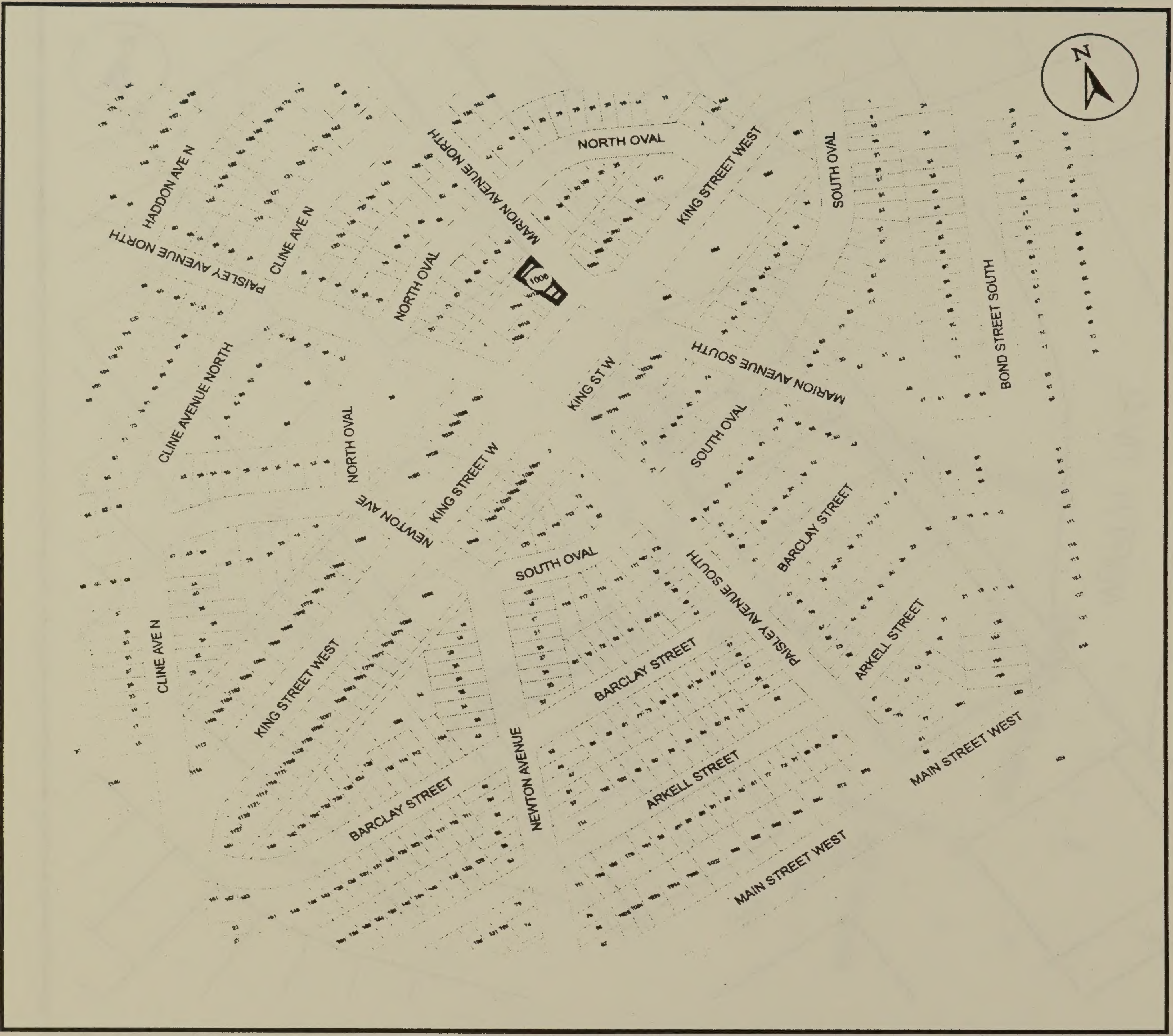
Filename/number
1035 King St. W.

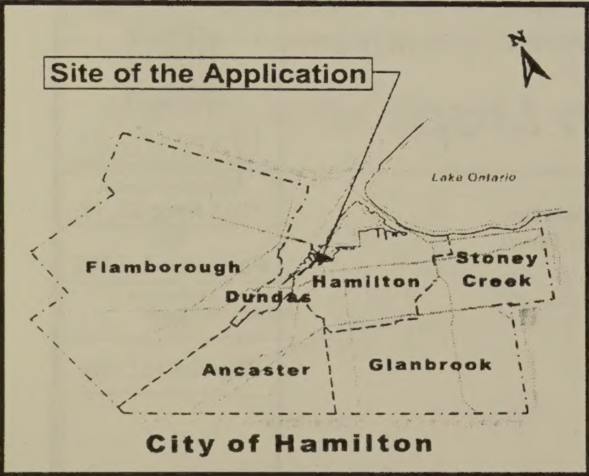
Date
February 3, 2003

Technician
NM

Map Not to Scale

Attachment 33 to Report PD03110
1010 King Street West (assessed as 1008 King Street West)


N
NORTH OVAL
MARION AVENUE NORTH
KING STREET WEST
SOUTH OVAL
HADDON AVE N
CLINE AVE N
PAISLEY AVENUE NORTH
NORTH OVAL
1008
BOND STREET SOUTH
MARION AVENUE SOUTH
KING ST W
CLINE AVENUE NORTH
NORTH OVAL
KING STREET W
SOUTH OVAL
NEWTON AVE
BARCLAY STREET
SOUTH OVAL
PAISLEY AVENUE SOUTH
CLINE AVE N
KING STREET WEST
BARCLAY STREET
ARKELL STREET
MAIN STREET WEST
NEWTON AVENUE
BARCLAY STREET
ARKELL STREET
MAIN STREET WEST


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
1008 King Street West

Hamilton

Filename/number
1008 King Street W.

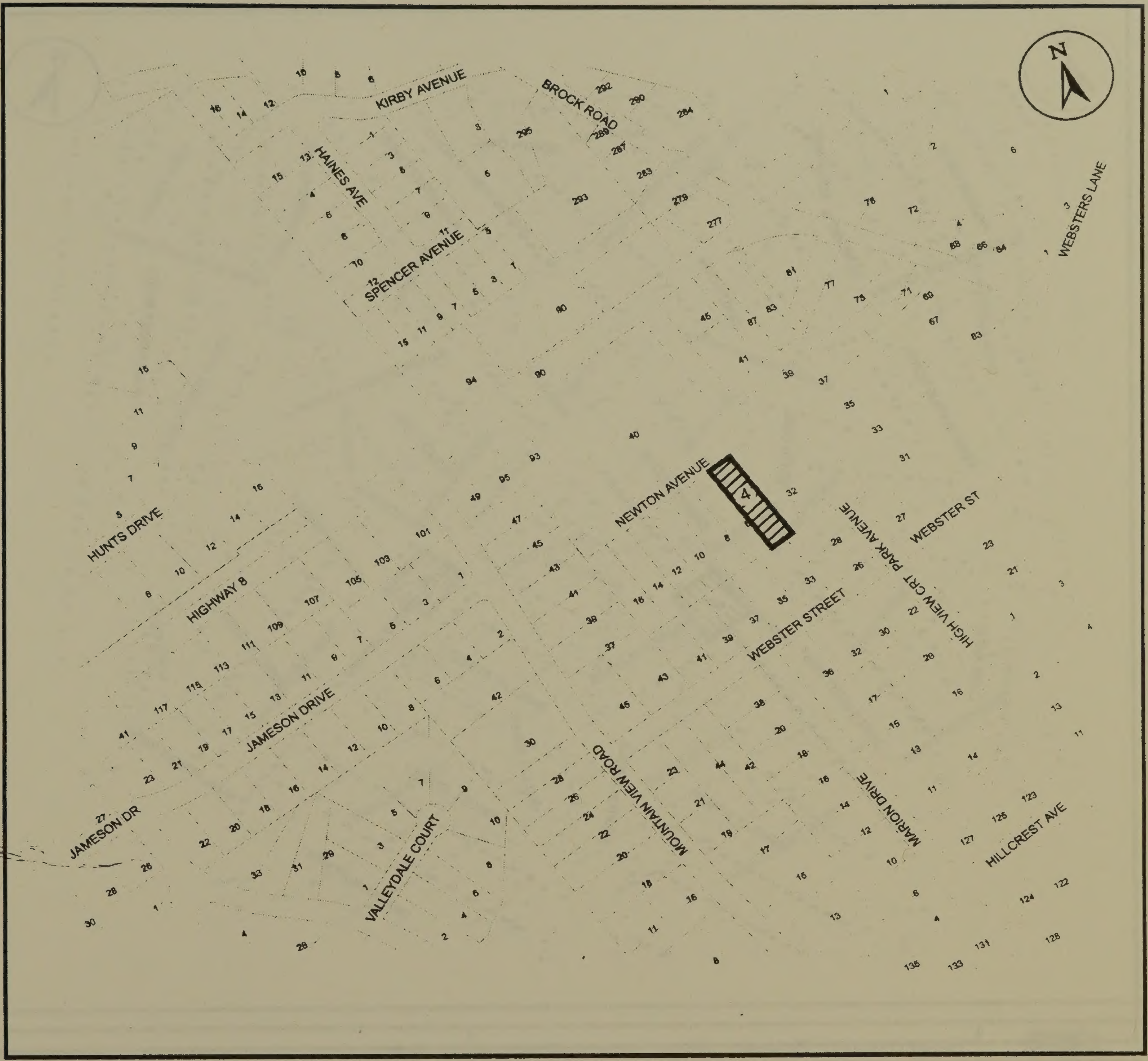
Date
April 24, 2003

Technician:
LC

Map Not to Scale

Attachment 34 to Report PD03110

4 Newton Avenue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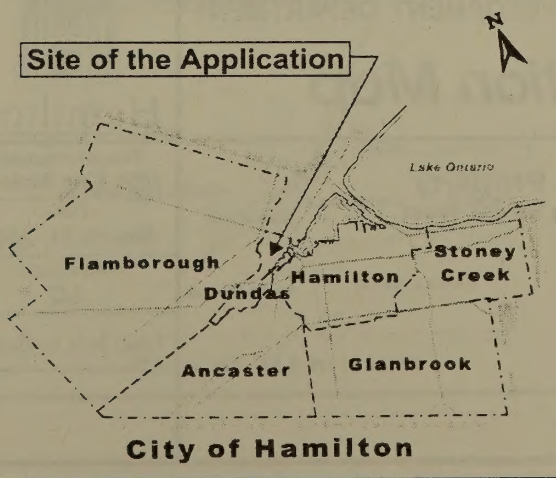
BROCK ROAD
HAINES AVE
SPENCER AVENUE
WEBSTERS LANE
HUNTS DRIVE
HIGHWAY 8
NEWTON AVENUE
4
WEBSTER ST
HIGH VIEW CRT PARK AVENUE
WEBSTER STREET
JAMESON DRIVE
JAMESON DR
MOUNTAIN VIEW ROAD
MARION DRIVE
HILLCREST AVE
VALLEYDALE COURT


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

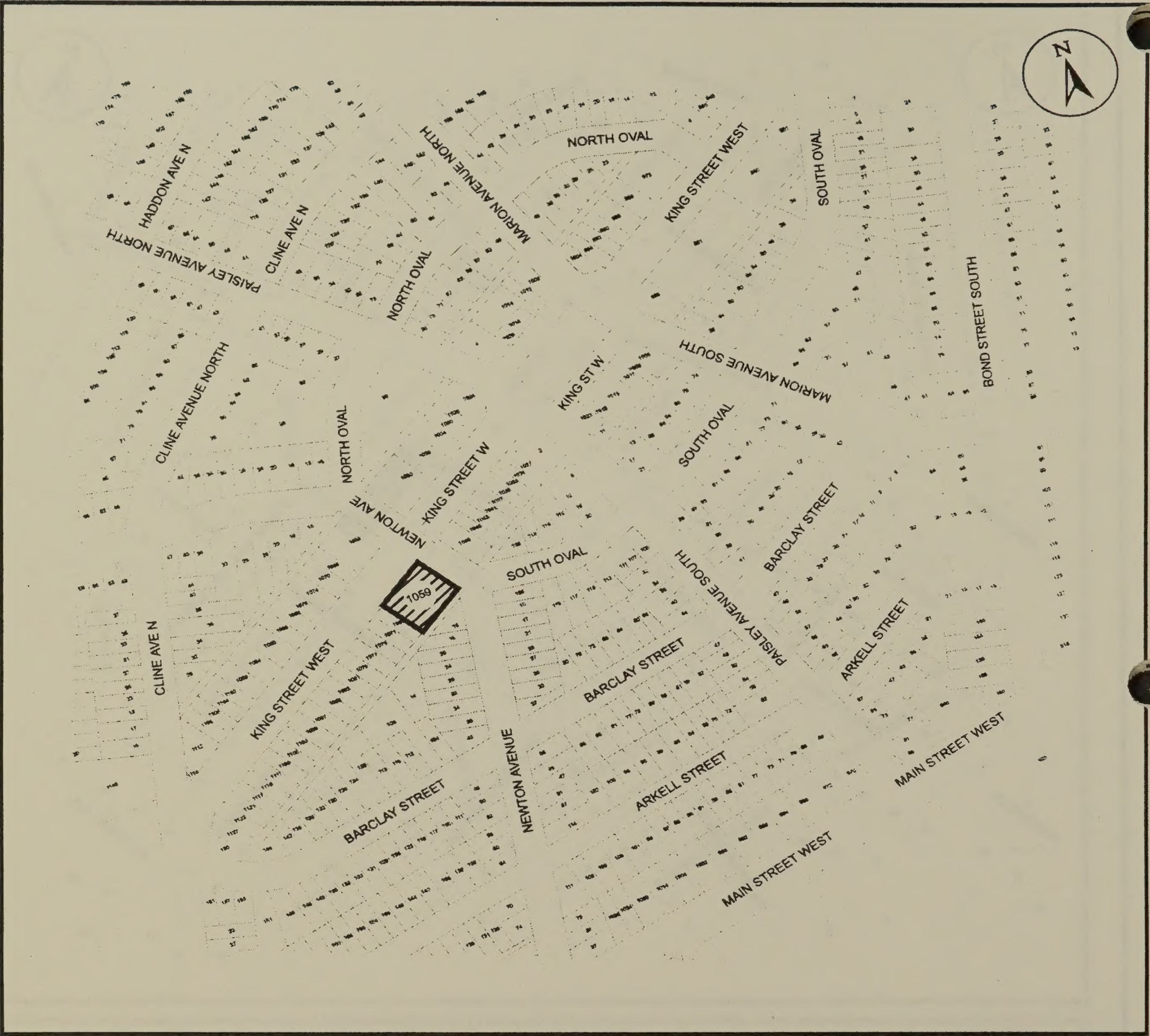
Location Map

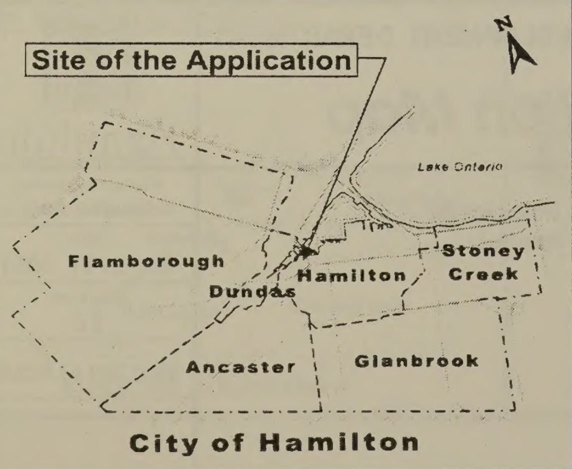
▨ **Subject Property**
4 Newton Avenue

Hamilton

Filename/number	*4 Newton Avenue*
Date	*March 21, 2003*
Technician	*LC*
Map Not to Scale	

Attachment 35 to Report PD03110
1059 King Street West


N
HADDON AVE N
CLINE AVE N
PAISLEY AVENUE NORTH
NORTH OVAL
MARION AVENUE NORTH
NORTH OVAL
KING STREET WEST
SOUTH OVAL
BOND STREET SOUTH
MARION AVENUE SOUTH
KING ST W
CLINE AVENUE NORTH
NORTH OVAL
KING STREET W
NEWTON AVE
SOUTH OVAL
SOUTH OVAL
BARCLAY STREET
1059
PAISLEY AVENUE SOUTH
CLINE AVE N
KING STREET WEST
BARCLAY STREET
ARKELL STREET
NEWTON AVENUE
BARCLAY STREET
ARKELL STREET
MAIN STREET WEST
MAIN STREET WEST


N
Site of the Application
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Hamilton

▨ **Subject Property**
1059 King Street West

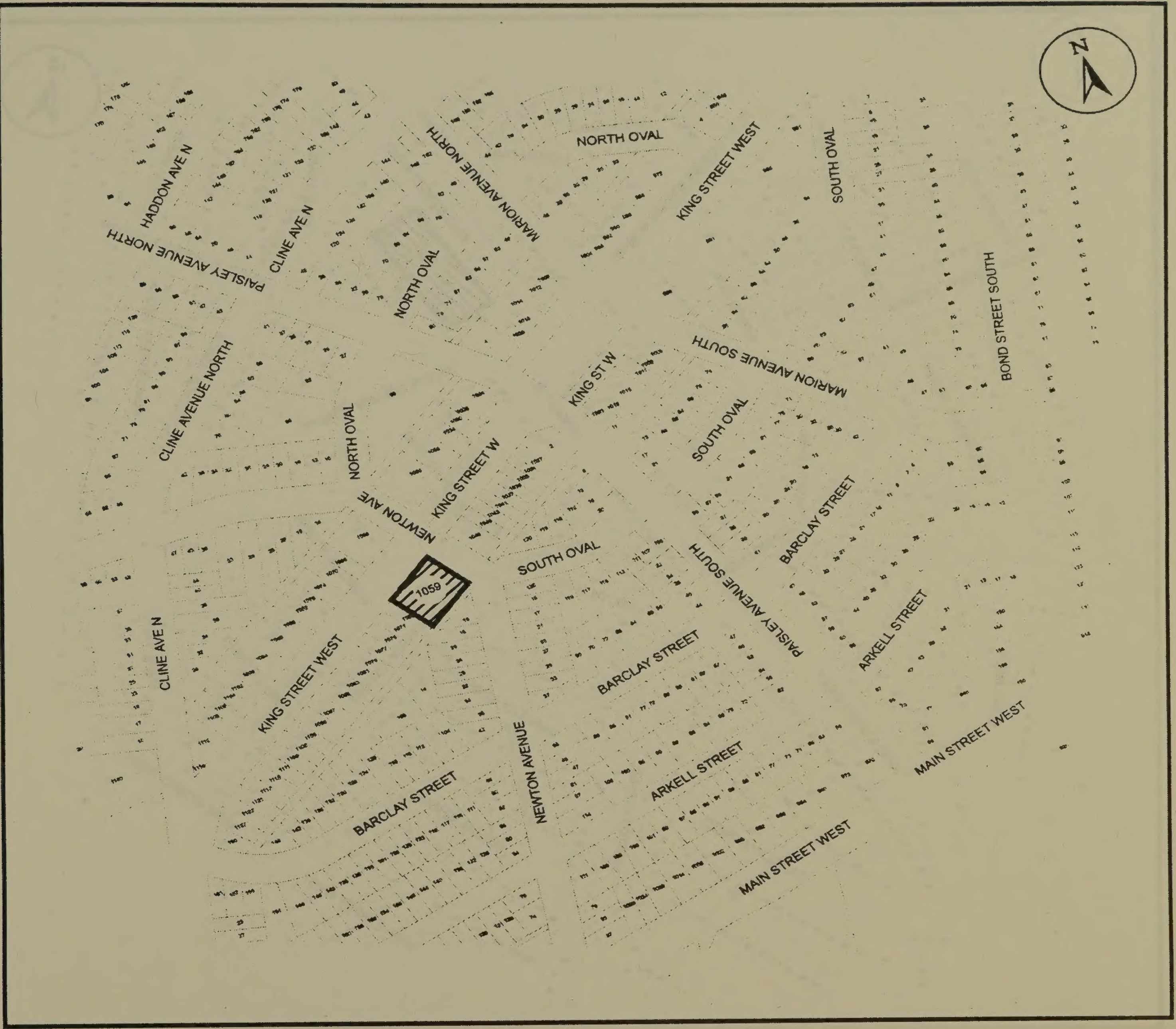
Filename/number
1059 King Street W.

Date
March 21, 2003

Technician:
LC

Map Not to Scale

Attachment 36 to Report PD03110
1059 King Street West


N
HADDON AVE N
PAISLEY AVENUE NORTH
CLINE AVE N
MARION AVENUE NORTH
NORTH OVAL
KING STREET WEST
SOUTH OVAL
NORTH OVAL
CLINE AVENUE NORTH
NORTH OVAL
KING ST W
MARION AVENUE SOUTH
BOND STREET SOUTH
KING STREET W
NEWTON AVE
SOUTH OVAL
BARCLAY STREET
1059
SOUTH OVAL
PAISLEY AVENUE SOUTH
CLINE AVE N
KING STREET WEST
BARCLAY STREET
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NEWTON AVENUE
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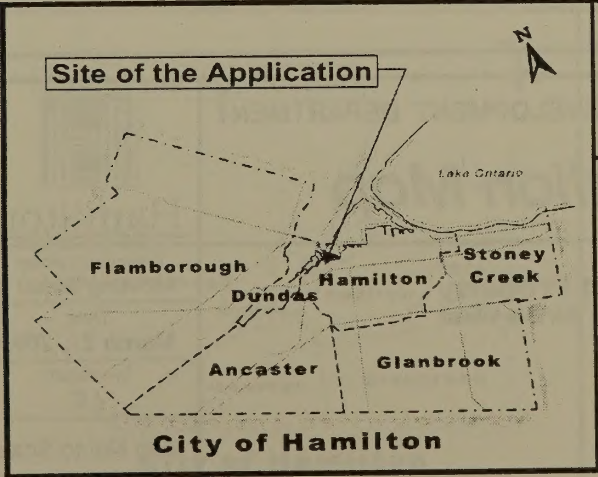
ARKELL STREET
MAIN STREET WEST


N
Site of the Application
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
1059 King Street West

Hamilton

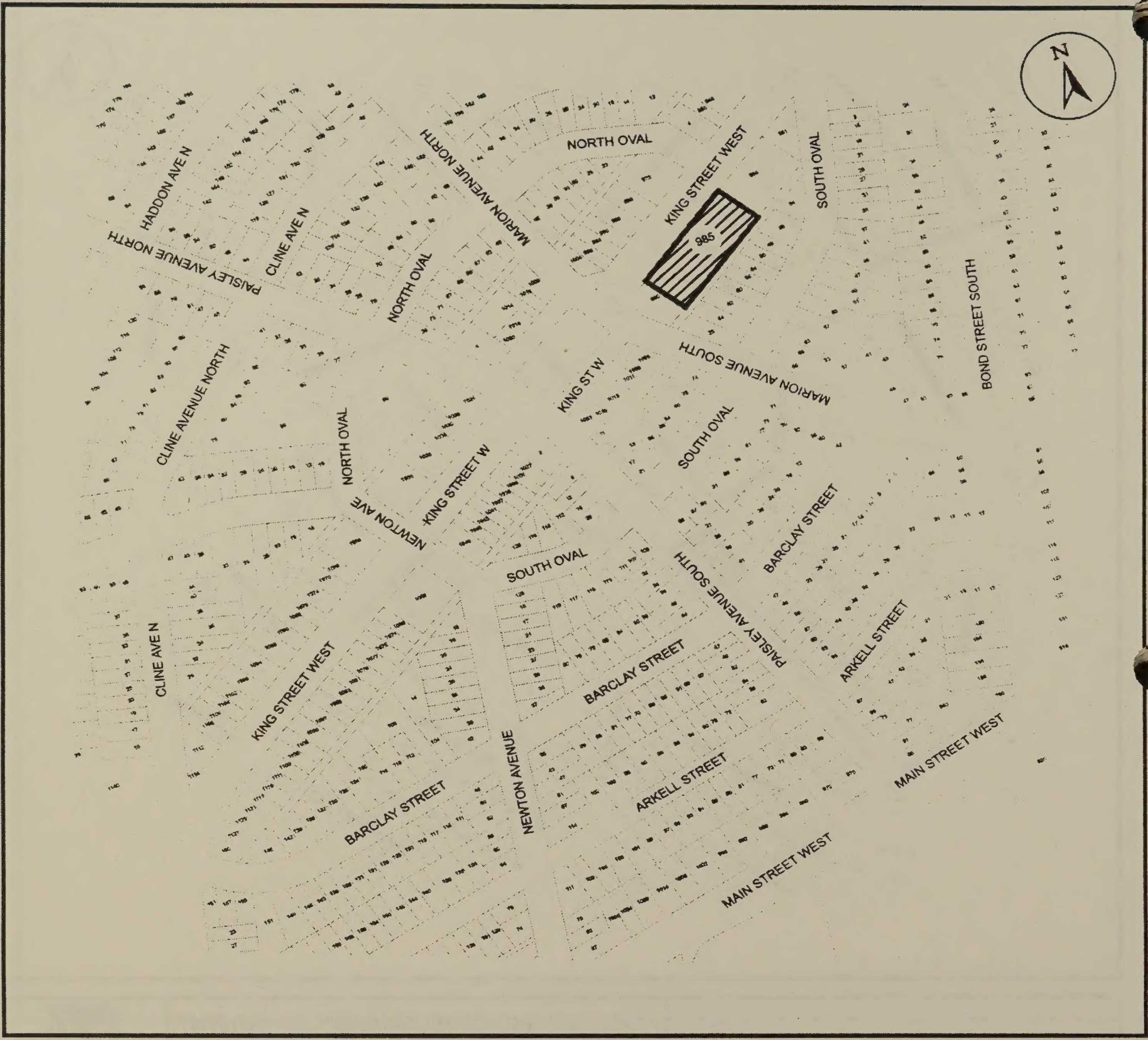
Filename/number
1059 King Street W.

Date
March 21, 2003

Technician:
LC

Map Not to Scale

Attachment 37 to Report PD03110
985 King Street West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HADDON AVE N
MARION AVENUE NORTH
PAISLEY AVENUE NORTH
CLINE AVE N
NORTH OVAL
985
BOND STREET SOUTH
MARION AVENUE SOUTH
KING ST W
CLINE AVENUE NORTH
NORTH OVAL
KING STREET W
SOUTH OVAL
NEWTON AVE
BARCLAY STREET
SOUTH OVAL
PAISLEY AVENUE SOUTH
CLINE AVE N
KING STREET WEST
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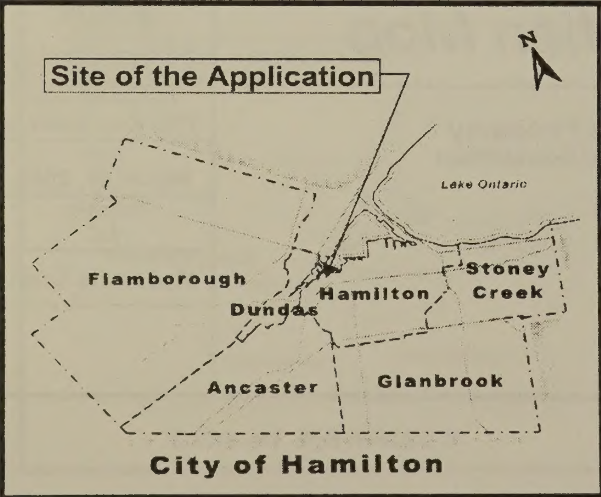
ARKELL STREET
MAIN STREET WEST
MAIN STREET WEST


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Hamilton

▨ **Subject Property**
985 King Street West

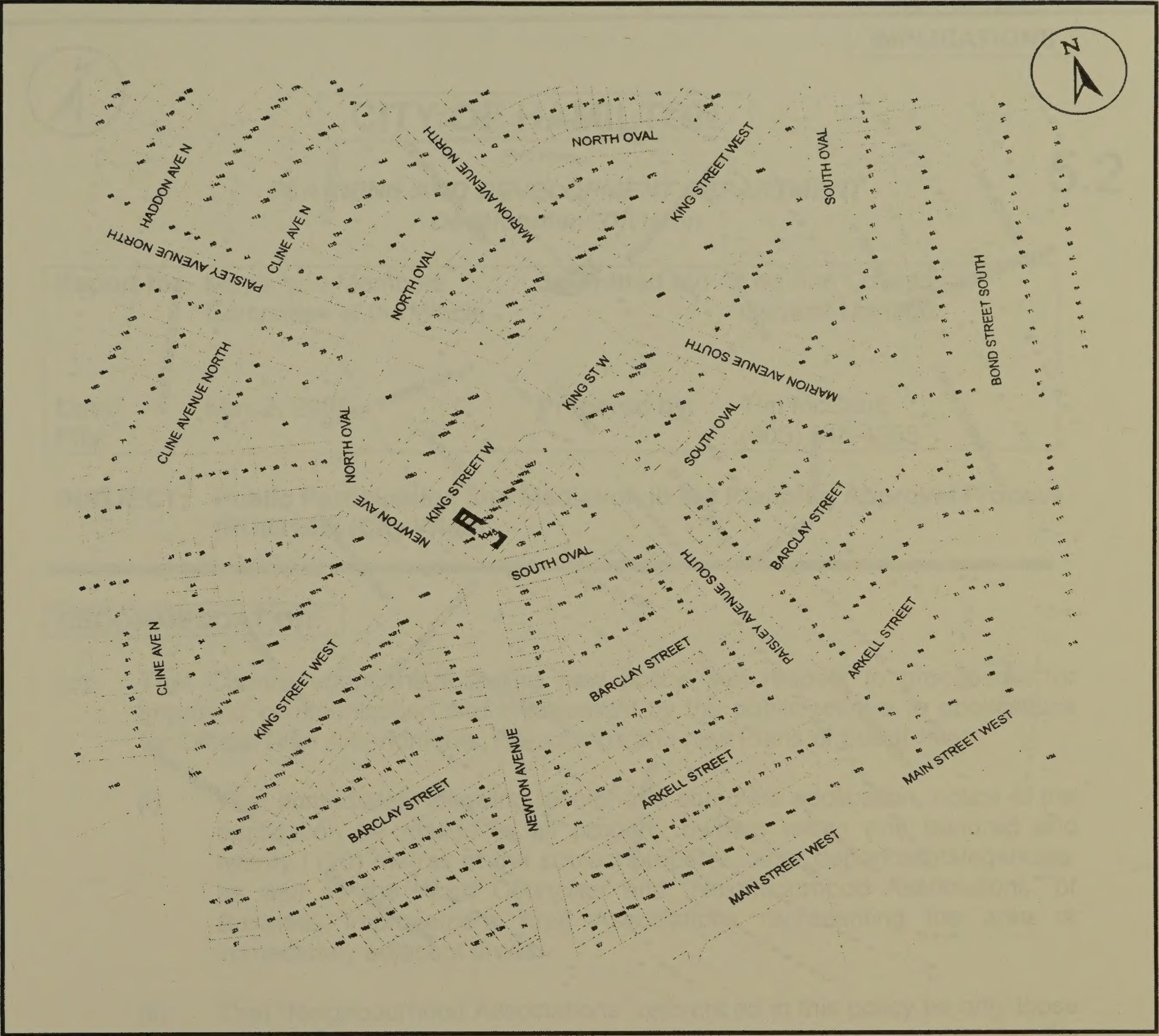
Filename/number
985 King Street W.

Date
March 21, 2003

Technician.
LC

Map Not to Scale

Attachment 38 to Report PD03110
1045 King Street West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CLINE AVE N
PAISLEY AVENUE NORTH
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BOND STREET SOUTH
MARION AVENUE SOUTH
KING ST W
CLINE AVENUE NORTH
NORTH OVAL
SOUTH OVAL
KING STREET W
NEWTON AVE
BARCLAY STREET
SOUTH OVAL
PAISLEY AVENUE SOUTH
ARKELL STREET
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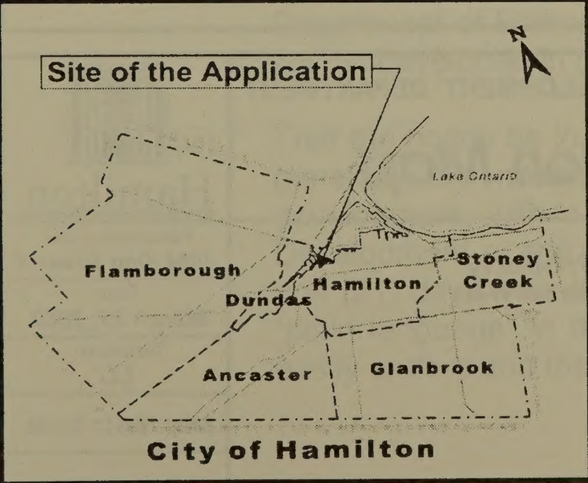
BARCLAY STREET
MAIN STREET WEST


N
Site of the Application
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
1045 King Street West

Hamilton

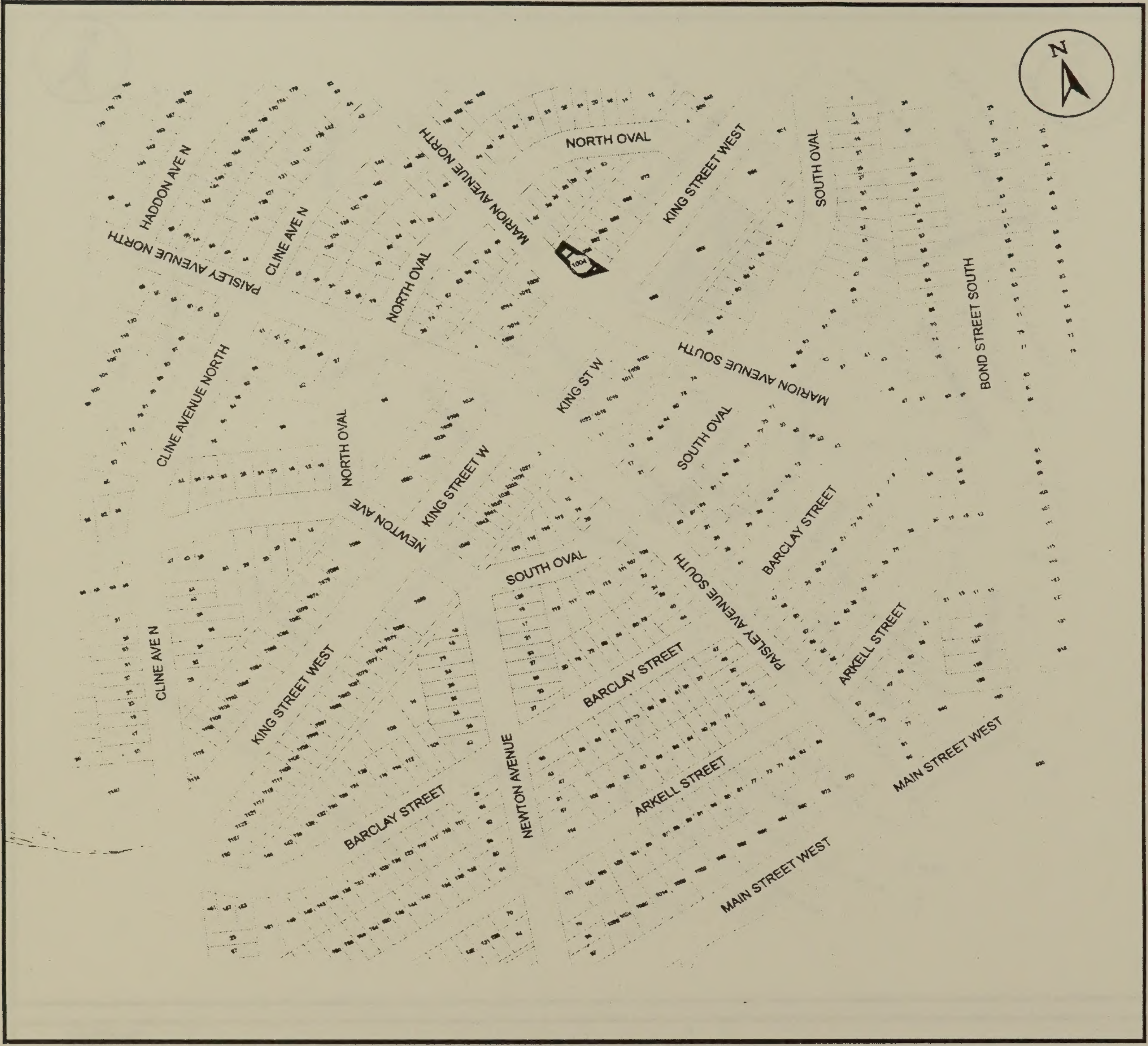
Filename/number
1045 King Street W.

Date
March 21, 2003

Technician
LC

Map Not to Scale

Attachment 39 to Report PD03110
1004 King Street West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CLINE AVE N
MARION AVENUE NORTH
KING STREET WEST
SOUTH OVAL
PAISLEY AVENUE NORTH
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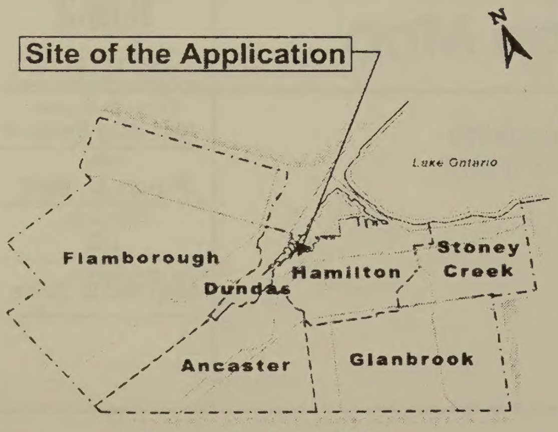
1004
BOND STREET SOUTH
MARION AVENUE SOUTH
KING ST W
CLINE AVENUE NORTH
NORTH OVAL
KING STREET W
SOUTH OVAL
NEWTON AVE
BARCLAY STREET
SOUTH OVAL
PAISLEY AVENUE SOUTH
CLINE AVE N
KING STREET WEST
BARCLAY STREET
ARKELL STREET
NEWTON AVENUE
BARCLAY STREET
ARKELL STREET
MAIN STREET WEST
MAIN STREET WEST


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook

City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
1004 King Street West

Hamilton

Filename/number
1004 King Street W.

Date
March 21, 2003

Technician:
LC

Map Not to Scale

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

5.2

PLANNING AND DEVELOPMENT DEPARTMENT
Development Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	May 2, 2003	**Prepared by:**	Tim McCabe (905) 546-4258

SUBJECT: **Public Participation and Mediation in the Planning Approval Process (PD03105) (City Wide)**

RECOMMENDATION:

(a) That Council adopt the following new policy with respect to procedures for improved communication and involvement by the public relative to applications for Official Plan Amendments, Re-zonings and new Plans of Subdivision:

(i) That immediately following receipt of a complete application, notice of the application be mailed to all property owners within one hundred and twenty (120) metres of the subject property, other departments/agencies, as well as the Ward Councillor and "Neighbourhood Associations" or Business Improvement Area Associations representing the area or immediately adjacent areas.

(ii) That "Neighbourhood Associations" referenced in this policy be only those Associations recognized by Council in a list to be prepared by the Department of Planning and Development, including relevant criteria, with the list developed in consultation with each of the Ward Councillors.

(iii) That the notice be in the form of a preliminary circulation letter, explaining generally the nature and effect of the application and the proposed development, with a request to advise the Department of Planning and Development of any concerns or support for the application within twenty-one (21) days from the date of mailing. Every effort shall be used to use "plain language" in the drafting of the letter to enable the public to more easily understand the proposal.

(iv) That the preliminary circulation generally shall not be required in the following circumstances unless the City's Manager of Development Planning determines that it may be appropriate:

(1) If the purpose of the application is to recognize an existing situation, which has not been subject to a complaint/by-law enforcement action.

(2) If the application is part of the implementation of a Planning Study or other application, such as a consent application, which has been approved within one (1) year of other public involvement and participation opportunities.

(3) If the application is to add a minor use as a special provision to an existing non-residential zoning category.

(4) Where a community information meeting has been initiated and held by the proponent prior to the submission of the application and where:

(aa) the City's Manager of Development Planning, the Ward Councillor and all owners within one hundred and twenty (120) metres of the subject property have been provided individual invitations to attend the meeting.

(bb) where minutes of the meeting have been taken with the recorded views of named residents referenced.

(cc) where comment cards for those in attendance have been made available to complete at the meeting and/or mailed to the Manager of Development Planning, subsequent to the meeting.

(dd) where the list of those invited, meeting minutes and completed comment cards have been provided to the Department of Planning and Development as part of the application submission.

(ee) where the development proposal presented at the information meeting is consistent/similar to the development/land use proposal included in the submitted application.

(5) Where the proposal results in a community wide change to the Official Plan or Zoning By-law and is not property specific.

(6) Where the application is required to implement a mediated settlement reached by all parties to the original proposal and dispute and which settlement will not have an unanticipated or additional adverse impact on adjacent properties or the immediate neighbourhood.

(7) In any other circumstance where, in the opinion of the City's Manager of Development Planning, in consultation with the Ward Councillor, preliminary circulation of the application is seen to have minimal purpose or benefit.

(v) That a copy of the staff report be made available to all respondents to the circulation of the Department's preliminary circulation letter within one week of the public meeting date, immediately following the Ward Councillor having received the report. The staff report shall identify public issues raised, staff comments related to the issues and identification of issues outstanding.

(vi) That the preliminary circulation letter formally advise the public of the Public Meeting date, to be arranged, in most cases, within 120 days from receipt of a complete application. Additional required notice shall be provided in the case where the public meeting date is changed from that referenced in the preliminary circulation letter.

(vii) With respect to major subdivision applications, the Public Meeting date shall not be confirmed until the draft staff report and recommended conditions have been reviewed with the proponent and the final report has been signed by the General Manager of the Planning and Development Department.

(viii) That notice of the application continue to be displayed on a sign to be erected on the property immediately prior to the circulation of the notice letter to the neighbourhood. The date of the Public Meeting, once confirmed to the proponent by the Department of Planning and Development, shall also be displayed on the sign. The applicant shall continue to maintain the sign on the property and shall remove the sign from the property within one week of final decision of the application.

(b) That Council support the introduction of a formal mediation program towards resolving disputes in the planning process, to be administered by the Department of Planning and Development, generally as follows:

- (i) That the use of mediation be considered for all applications, which have been appealed to the Ontario Municipal Board (OMB) after a decision by Council or the Committee of Adjustment; or for applications referred to the Department by Council, a Committee of Council, or the Committee of Adjustment.
- (ii) That in cases where Planning staff's position is in conflict with Council's or the Committee of Adjustment's position, mediation not be initiated by the Department of Planning and Development.
- (iii) That the mediation program use both City staff and/or external mediators, as appropriate.
- (iv) That unresolved issues related to Official Plan amendments, Re-zonings, plans of subdivision, minor variances or consents be considered for referral to external mediation services where, in the opinion of the City's Director of Development:
  - (1) formal efforts by staff to reach agreement have been unsuccessful and it is felt that efforts for future dispute resolution would likely be effective; or,
  - (2) particularly difficult disputes with entrenched parties with high levels of emotion potentially exist; or,
  - (3) the City is the proponent of an action and the City is considered a direct party to any ensuing decision; or,
  - (4) City staff is perceived to be part of the conflict by the proponent, objector or both and/or where City staff need to be able to actively represent its professional opinion and the City's interest in a dispute between the objector and proponent; and,

> (5) that, in all cases involving mediation, the Ward Councillor shall be consulted throughout the dispute resolution process and informed prior to the decision of the General Manager to refer the case to external mediation services.

(v) That external mediation services shall be funded, in the interim, from the Department of Planning and Development's existing approved budget from monies budgeted for Consulting Services, with any over-run to be paid from the Development Division's Stabilization Reserve Account, to a maximum of $10,000.

(vi) That, in order to sustain mediation as a long-term initiative, the establishment of a reserve fund for financing external mediation services be referred to the 2004 budget deliberations. Consideration shall be given to this reserve being financed through the contribution of a small surcharge to fees collected for Official Plan Amendments, Re-zonings, plans of Subdivision, Minor Variances and Consents with the contribution of matching funds, on an annual basis, from Council as part of each following year's budget.

(vii) That the Department of Planning and Development work with the business and legal community to develop a preliminary roster of mediators and volunteers, as well as related procedures and pricing. Discussions shall also be held with the Society for Conflict Resolution in Ontario (SCRO).

(viii) That the Department of Planning and Development undertake a training needs analysis and initiate focused training in dispute resolution/mediation for key staff identified. Any additional training monies required to successfully implement this program will be identified and considered as part of the 2004 budget deliberations.

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

This report sets out a new policy for enhanced public participation opportunities and a recommended local mediation program for the City relative to planning applications requiring Council or Committee of Adjustment approval.

The use of a preliminary circulation letter to neighbouring property owners, Business Improvement Areas (BIAs) and recognized Neighbourhood Associations; improved notice for the public meeting; staff reports that recognize and address neighbour/community group issues; the report being available to persons and groups further in advance of the public meeting; are all seen as key ingredients to creating an improved process, improved community development and maximizing the potential for community-based (Council) decision-making and thereby minimizing involvement by the Ontario Municipal Board.

Also working towards our goal of more effective community-based decision making is the introduction of a local mediation program for dispute resolution throughout various stages of the planning approval process.

The Department of Planning and Development has included recommendations in this report to establish the program, setting out the types of applications deemed appropriate for mediation, when it is appropriate to have staff or external mediators involved, and financing and training aspects related to the program.

BACKGROUND:

The City's current practice of involving the public in development applications requiring public meetings and Council approval is considered minimal and can also be characterized as too late in the process to be effective.

The present process can be generally described as follows:

- proponent initiates and holds informal, neighbourhood information meeting (optional)
- Planning and Development staff may or may not be in attendance at information meeting
- application received
- summary of application and request for comments sent to other Departments and relevant agencies

- Planning and Development staff prepare report and recommendation on the application, and schedule public meeting of HSC, generally within 90 days of receipt of complete application
- staff report prepared with minimal discussion or identification of neighbourhood issues included for most applications
- within 14 days of the public meeting, notice to property owners within 120 metres of the site is given, attaching 'comment cards' and providing the date/time of the public meeting
- Department requests neighbouring property owners to complete and return "comment cards" to the Department advising of support or opposition to the application
- date of public meeting displayed on Notice of Public Meeting sign erected on the property
- public meeting held; staff or Council typically have no pre-determined 'prediction' on the number, if any, constituents that will be in attendance or requests to be a delegation to speak on the application
- Planning and Development staff advise HSC of how many comment cards were returned noting opposition or support
- HSC deals with delegations and revises staff's recommendations; votes in support or against recommendation or tables/defers report for further discussion with Ward Councillor and neighbours, developer and/or staff.

From our experience with the existing process, it is apparent that both staff's recommendations and Council's decision-making needs improvement relative to having a better understanding of issues in advance of the preparation of the staff report, the public meeting and Council's decision. The public involved with planning applications before Council frequently complain that they:

- have had no previous knowledge of the application until notice is sent by the Planning and Development Department 14 days before the public meeting;
- have insufficient time and opportunity to organize and deal with any concerns they may have;
- have little to no opportunity to have staff deal with neighbourhood issues prior to the report and staff recommendation being prepared; and,
- receive a copy of report, if receive at all, only 1 to 4 days before the HSC public meeting.

Concern also has been expressed by Neighbourhood Associations that want to be recognized as community groups who have an interest in reviewing and commenting on planning applications earlier in the process.

For example, on November 19, 2003 correspondence to senior management and Councillor Caplan was sent from Liz Millar, President of Ainslie Wood/Westdale Community Association of Resident Homeowners Inc.

> "I am writing on behalf of the AWWCA to request you forward any major approval applications received by the Planning Department to the Ainslie Wood and Westdale Neighbourhoods for review and comment.
>
> We would also like to officially request that the Planning Department recommends to any developer that pre-consultation with the AWWCA take place prior to submission of formal approval applications....".

Mediation and other forms of dispute resolution (i.e. negotiation, facilitation) have been part of the City of Hamilton's processes for several years, but only on an informal basis. It remains unclear when, in the planning process, staff should become involved or not be involved in settling disputes and objections and for what types of various planning applications.

The Province of Ontario continues to undergo a period of planning reform. The Province now focuses its interest in planning policy; articulating this interest through a series of guidelines, policy statements and practices. The administrative review of applications related to Provincial Policy has now been delegated to regional municipalities and single tier municipalities, such as the City of Hamilton. Municipalities have become more concerned with exercising local autonomy in the context of provincial policy. Neighbourhoods and other interest groups will continue to increase their participation in local planning issues. This increased complexity of policies and interests has meant increased potential for dispute and legitimate conflict has become more apparent. Caseloads at the Ontario Municipal Board have increased dramatically in volume which result in costly delays in processing and create a move away from local, community based decision-making. Projects which could result in important economic benefits to the community are often caught in lengthy and adversarial approval processes.

As a result of these factors, there is a strong desire and need to incorporate system changes to improve quality and efficiency in the planning approval process. The City of Hamilton should be promoting a shift in emphasis away from an adversarial review and approvals culture towards a more collaborative approach which recognizes the interests of all parties and seeks, where possible, to reconcile conflicts. Such a shift can result in a qualitative transformation of the planning system in which resources should eventually be focused on the 'front-end' of the decision-making process, where opportunities to resolve disputes more easily exist and provide Council with a forum for more community-based decisions, more 'win-win' situations and less Ontario Municipal Board referrals often having unpredictable decisions.

The current situation in Hamilton has the Department of Planning and Development completing its report and publicizing its 'professional opinion' on the application often in advance of understanding and dealing with neighbourhood/interest group issues. In many instances, staff cannot be an effective facilitator/mediator. Staff is not comfortable in determining what types of application to become involved with, particularly variances and consents submitted to the Committee of Adjustment. As well, we have no process and minimal experience in retaining and working with outside mediation services to assist the City in resolving disputes between parties. Appeals of Council's decisions to the Ontario Municipal Board often results in no further communication between staff and the appellants or staff and the applicant and we simply wait for direction of the OMB at the pre-hearing conference, then provide professional evidence at the formal hearing of the Board.

The OMB Hearing is a hearing 'de nova' meaning that previous decisions of Council or the Committee of Adjustment, and the reasons/justification for these decisions, are not relevant to the Board, as the OMB Hearing starts over from 'square one'. Evidence presented at the Hearing is the only determinant in typical Board decisions.

Undoubtedly, there is a need for a formal local mediation program in the City of Hamilton. Direction to staff of when to get involved, with what types of applications, and when to use external mediators and how to finance additional resources needed should all be part of our program. Recommendations in this report provide for a program that deals with these matters. The recommended local mediation program combined with the policies for improved public participation are integrally linked. Our planning process must make provision for public input early on in the review process in order that issues and concerns can be identified and dealt with. It also means that our planners and others involved in a project must recognize and be willing to deal with these issues. The most obvious, positive outcome of 'up front' mediation is that rather than resolving appeals, these can be avoided altogether.

Between 1992 and 1995, several municipalities participated with the Office of the Provincial Facilitator in a program that integrated mediation and other forms of dispute resolution in the planning process. The participating municipalities were Kitchener, Nepean and Toronto and all appeals to the OMB were considered for mediation.

Hamilton's current Director of Development, Tim McCabe, was directly involved with the pilot project and subsequent formulation of a local mediation program for the City of Kitchener, in his previous employment as Kitchener's General Manager of Business and

Planning Services. In 1992, Kitchener was invited to participate in developing the Municipal Mediation Pilot Project to mediate appeals to the Ontario Municipal Board. The pilot project began in June 1993 and continued through to March of 1995. During this period, some appeals were referred to an independent mediator, while others were dealt with by planning staff. The following summarizes the disposition of appeals to the OMB in Kitchener during that period:

APPEALS DURING PILOT PERIOD	**19**
Official Plan Amendments	3
Zone Changes	9
Minor Variances	5
CASES IN PILOT PROJECT WITH EXTERNAL MEDIATOR	**7**
Resolved/Withdrawn	7
CASES HANDLED BY STAFF (INTERNAL MEDIATOR)	**9**
Resolved/Withdrawn	8
Ongoing	1
CASES PROCEEDED TO OMB	**3**

Since completion of the pilot program, Kitchener has continued successfully in mediating land use planning disputes through properly trained planning staff. A Council approved mediation program policy is in place, as well as a Mediation Reserve Fund, equally funded annually by the City and development proponents.

In May 1999, the McMaster University Neighbourhoods Task Force recommended that the City of Hamilton implement a pre-consultation, non-mandatory mediation process such as the Toronto Mediation Pilot Project for applications to the Committee of Adjustment. The rationale was that within the Westdale and Ainslie Woods neighbourhoods, applicants and neighbours often disagreed about the effects of proposed changes and whether or not certain variance applications were ‘minor’. The following is an excerpt from their submission made to Council:

> “At the present time, the only mechanism to deal with a decision of the Committee of Adjustment is to appeal the decision to the Ontario Municipal Board. For the residents of the Westdale and Ainslie Woods Neighbourhoods, this results in a confrontational situation that is often viewed as a “lose-win” forum. As an alternative, a mediation process could be developed based on the current pilot project in the City of Toronto.

> The City of Toronto has developed a voluntary mediation project. The mediation process does not limit any parties rights from appealing to the Ontario Municipal Board if the issues in dispute cannot be resolved. Mediation is available at three stages. The stages are:
>
> - before the application is dealt with by the Committee of Adjustment;
> - when the Committee of Adjustment has tabled the application to allow for mediation to occur; and,
> - after a formal appeal of the Committee's decision has been filed.
>
> The purpose of the mediation process is to bring all of the interested parties together and attempt to develop a "win-win" solution for all of the parties. A win-win solution could be:
>
> - the application is withdrawn, with revised plans (which comply with the Zoning By-law) being submitted for a Building Permit; or
> - the application proceeds to a Committee of Adjustment hearing with the applicant requesting approval based on the conditions agreed to during the mediation; or
> - a new application is submitted based on revised plans with a new notice circulated and a new meeting held.
>
> Mediation would allow for all parties to reach a mutually agreeable compromise and avoid the current system, which is perceived as being confrontational and forces the residents and community into a reactive mode in response to a notice received in the mail."

This 1999 submission from the Neighbourhoods Task Force was received by Council with no formal action taken with the request to initiate a City mediation process.

This report provides for alternatives to the current public participation system including the creation of a local mediation program.

ANALYSIS OF ALTERNATIVES:

Recommendation (a) provides the details of a new policy and process to enhance the opportunities and effectiveness of public participation in the City's planning approval process. The recommendations deal with only those planning applications requiring a public meeting under the Planning Act and Council approval.

The primary component of the new process is the mailing of a 'preliminary circulation letter' to all property owners within 120 metres (400 feet) of the subject property, as well as to recognized Neighbourhood Associations and Business Improvement Area Associations representing the area or immediately adjacent areas. A list of recognized Neighbourhood Associations will be prepared by the Department of Planning and Development, in consultation with all Ward Councillors and be submitted to Council for approval.

The preliminary circulation letter will:

- be mailed immediately following receipt of a completed application,
- be written in "plain language" to enable the public to more easily understand the proposal,
- advise property owners and Associations of the date of the public meeting of Council's Hearings Sub-Committee to consider the application,
- request written comments be returned to the Department advising of concerns or support for the application,
- advise respondents that they will be provided with a copy of the staff report prior to HSC Public Meeting.

Examples of preliminary circulation letters for a rezoning and a plan of subdivision are included in Appendix "A".

Recommendation (a)(iv) sets out circumstances where the City's Manager of Development Planning may 'waive' or exempt an application from having to undertake preliminary neighbourhood circulation. Legislative notice requirements for the public meeting date will be satisfied by referencing the public meeting date in the preliminary circulation letter, as well as a notice sign erected on the property. Current practice of mailing 'comment cards' and notice of the public meeting 14 days prior to the meeting will no longer be required except in the case where the public meeting date has been changed from that referenced in the preliminary circulation letter.

One of the important benefits of the new process is that it will provide the City's professional planning staff with a thorough identification and understanding of public issues, before the preparation of staff's report and recommendation and before the public meeting. This will place additional responsibility on staff to deal with the public issues in the report and work towards resolving as many issues as possible, and as appropriate. If planning staff are not able to resolve all issues, it is certainly hoped that the issues can be narrowed to assist Council in its deliberations.

The 21 day public circulation response time together with additional time to deal with any issues received is expected to delay the public meeting date by approximately 30 days compared to current practice.

The Department will commit to a target of scheduling a public meeting within 120 days from the receipt of a complete application. With respect to major subdivision applications, an additional 30 days may be required to provide sufficient opportunity for review by the proponent of what is often detailed, complex draft plan approval conditions as well as time to prepare any revisions to the report prior to signing by the General Manager. Much too often, Committee and Council is presented with lengthy addendums with revised recommendations related to subdivision applications and implementing zoning. The Department has a genuine need for additional time to prepare proper and comprehensive reports on subdivision applications.

The additional delay of scheduling the public meeting date may result in more applicants appealing the application to the OMB on the basis that Council has not made a decision within 90 days of receipt of an application, as set out in the Planning Act. However, planning staff believe that the new policy and process will result in many less applications being tabled or deferred by Committee or Council, as a result of public concerns requiring further discussions before a decision can be properly made. The Department is of the opinion that, overall, the new system will produce faster and more comprehensive decisions by Council with less appeals to the Ontario Municipal Board.

A draft of the new policy was reviewed at The Hamilton-Halton Homebuilders' Liaison Committee. The Homebuilders are generally supportive of both the public participation and mediation initiatives, however, have requested the Department recognize the importance to the industry of setting a public meeting date early in the process and 'sticking' to that date wherever possible.

Recommendation (b) requests Council support for the introduction of a formal mediation program towards resolving disputes in the planning process. The use of mediation in the context of the program recommended applies to planning applications requiring a public meeting and approval by Council or applications submitted to the Committee of Adjustment.

Mediation and other forms of dispute resolution are to be carried out by both staff and external mediators, depending on the circumstances. There are certain situations, as referenced in the policy, that it would not be appropriate for staff to be involved as the initiator of mediation. One example of this is where Planning staff's position is in conflict with Council's or the Committee of Adjustment's and the decision has been appealed to the OMB. Recommendation (b) (iv) sets out four types of circumstances where referral to external mediation services would be appropriate.

Mediation in the planning process has typically been used primarily in situations where a formal appeal to a Council or Committee of Adjustment decision has been filed. At this point, it means that mediation only begins when 'the damage may already have been done'. At this stage, you are dealing with a clear conflict situation in which parties may be experiencing frustration with mindsets solidly entrenched. Mediation then becomes a case of being a corrective tool rather than a preventive one. Formal dispute resolution techniques can still be effective at this stage but inserting mediation 'up front' in the process can have much greater success. This then means our planning process must make provision for public input early on in the review in order that issues and concerns may be identified and dealt with before Council's consideration. In both cases, mediation is seen as an effective tool in attempting to resolve issues and disputes and it is recommended the City push forward in promoting a program that will lead to a better informed public and more opportunities for community-based decisions.

There are several options for paying for the costs of external mediation. It can be funded by the general City levy, by a surcharge on planning applications or the costs can be paid by one or more of the parties in dispute. The Department believes that there may be a concern of objectivity related to who is paying. While there may be support from the private sector (developer) to fund mediation as a less expensive way to resolve issues other than a costly OMB Hearing, there may be a perception problem that the "independent" mediator who is funded by the developer may be partial to the developer's interests.

Shared funding by all parties is recommended as the optimum solution. This funding should be equally contributed between 'the public' from the City's general levy and from the private sector as a surcharge to all applications. A small surcharge of $15 for each Committee of Adjustment application and $30 for rezonings and subdivisions may generate upwards of $10,000 per year. With a matching contribution from the City, the annual fund would then be $20,000. Based on an average cost of $100 per hour for external mediation services and an average of 10 hours for each mediation case, a budget of $20,000 would allow for approximately 200 'mediated hours' or 20 cases to take place.

Recommendation (b)(v) and (vi) deal with the financing proposal for the use of external mediation services, both in the interim and as part of the 2004 budget process. Additional staff training in dispute resolution will be required and will also be addressed as part of the 2004 budget.

The Department believes all of these new initiatives recommended in this report implement many of the principles set out in the Mayor's Open for Opportunities Task Force Report. By providing opportunities for more open communication with both the public and industry; a focused directive for up-front, issue identification; dispute resolution throughout the planning process; having procedures in place for reviewing draft reports with proponents and providing reports to all interested parties more in advance of meeting dates; all work towards improving the approval and decision-making process and building better relationships with all of the City's stakeholders.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Additional monies for retaining external mediation services and undertaking focused staff training would be required with the implementation of this policy. This is discussed in more detail in the previous section of this report. With the preliminary circulation letter and copies of reports being made available to all public respondents, this will add some additional office expenses related to postage and paper. We may, however, save the costs involved with the notice currently mailed out in the existing process, 14 days prior to the public meeting.

With a successful mediation program, there would be less staff costs and time savings as there would be less OMB Hearings, as well as less deferrals of reports and preparation of various addendum reports/revised recommendations.

Legislative requirements for providing appropriate notice of the public meeting will be adhered to. Planning staff would also be in close consultation with the City's Legal staff when involved with mediation of a formal appeal to the Ontario Municipal Board.

POLICIES AFFECTING PROPOSAL:

Public participation in the decision making process is a vital component in the consideration of planning approvals. This underlying principle is clearly entrenched in all six (6) Area Municipal Plans as well as the Regional Official Plan. Within each Official Plan, local Council's have established clear policies setting out procedures for notifying, informing and obtaining citizen input to ensure that decisions are made in a manner conducive to responsible government.

More specifically, the Dundas Official Plan, Policy 5.18.1, recognizes the importance and role of citizen participation in shaping the ultimate decisions made by Council. It states "....public input should start early in the process and that the participation process should be based on consensus and mediation..."

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Corporate Services, Finance and Legal staff were consulted regarding the recommendations contained in this report and no issues or concerns have been raised.

CITY STRATEGIC COMMITMENT:

Several of the City's values and strategic goals are directly related to this report and the new policy and process recommended.

These include:

> "A City Where People Come First": to harness the energy of the citizens of the new City of Hamilton and to fulfil our obligation to be open and accessible, Council commits to communicate clearly and effectively with the public..."
>
> and
>
> "New Opportunities for Public Input and Volunteerism": Council will pursue new and innovative opportunities to enable more people to share their views and contributions to the City, Council and its services".

CONCLUSION:

This report recommends a new policy directive towards achieving earlier and more effective public participation in the planning approval process. Together with the introduction of a formal mediation program to assist in resolving disputes on planning matters, it is expected that the City will have more community-based decisions to the benefit of business, the development industry and our residents. Council's support is requested.

:TM
Attach. (1)

APPENDIX 'A' TO REPORT PD03105

EXAMPLE PRELIMINARY CIRCULATION LETTERS

Page 1 of 3

Hamilton

Mailing Address:
City Hall, 71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Development Department, Development Division
Physical Address: 71 Main Street West, 7th Floor
Phone: 905-546-4258 Fax: 905-546-4202

May 2, 2003

FILE: ZAC-XX-XX

Dear Sir/Madam:

Re: Preliminary Circulation and Notice of Public Meeting
Rezoning Application ZAC-XX-XX, McCabe Construction Limited
144 Stone Road, City of Hamilton, Ward 0

This is to advise that Hamilton's Department of Planning and Development has received an application to change the zoning of 144 Stone Road to permit a 6-storey apartment building having 48 units and 72 parking spaces.

The current zoning of the property is Agriculture (A) under By-law No. 1958-28. The proposed zoning is Multiple Residential Four (RM-4) Zone.

Before we prepare a staff report for Council consideration, we are extending an opportunity to you to make comments. Any written comments received by the Department prior to May 23 will be considered in the preparation of our staff report. Those persons responding to the Department will be provided a copy of the staff report prior to the public meeting to be held by the Hearings Sub-Committee of City Council. The public meeting date is scheduled for September 2, 2003 at 9:30 a.m. in the Council Chambers, 2nd Floor, City Hall, 71 Main Street West, Hamilton.

Should you have any questions, please contact Peter Planner at 905-546-4258.

Yours truly,

Peter Planner, MCIP, RPP
Senior Planner, Central Section
Development Planning
City of Hamilton

Hamilton

Mailing Address:
City Hall, 71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Development Department, Development Division
Physical Address: 71 Main Street West, 7th Floor
Phone: 905-546-4258 Fax: 905-546-4202

May 2, 2003

FILE: 25T-2003-XX

Dear Sir/Madam:

Re: Preliminary Circulation of Proposed Plan of Subdivision and Notice of Public Meeting
Application 25T-2003-XX, McCabe Construction Limited
12 Hillcrest Road, City of Hamilton, Ward 0

This is to advise that Hamilton's Department of Planning and Development has received an application for approval of a plan of subdivision on 12 Hillcrest Road to create 120 lots for single detached housing, 4 blocks for townhouses, a neighbourhood park and an elementary school site.

The current zoning of the property is Agriculture (A) under By-law No.1979-2. The proposed zoning is Residential One (R-1) for the single detached lots, Multiple Residential (RM-2) for the townhouse blocks, Neighbourhood Park (P-1) for the park and Neighbourhood Insitutional (I-1) for the school site. The maps attached show the location of the property and the proposed subdivision concept.

Before we prepare a staff report for Council consideration, we are extending an opportunity to you to make comments. Any written comments received by the Department prior to May 23 will be considered in the preparation of our staff report. Those persons responding to the Department will be provided a copy of the staff report prior to the public meeting to be held by the Hearings Sub-Committee of City Council. The public meeting date is scheduled for September 2, 2003 at 9:30 a.m. in the Council Chambers, 2nd Floor, City Hall, 71 Main Street West, Hamilton.

Should you have any questions, please contact Peter Planner at 905-546-4258.

Yours truly,

Peter Planner, MCIP, RPP
Senior Planner, Central Section
Development Planning
City of Hamilton

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

5.3

PUBLIC WORKS DEPARTMENT
Operations & Maintenance Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	May 6, 2003	**Prepared by:**	Wray Oakes 905-692-1355

SUBJECT: 2002/03 Winter Control Program Review (PW03056) - (City Wide)

RECOMMENDATION:

(a) That the identified 2002 Winter Control variance in the amount of $2,285,225 be addressed through the 2002 Year End report to be presented by the General Manager of Corporate Services.

(b) That recognizing the natural fluctuations of the Winter season and therefore in the cost of Winter control services, staff continue to budget for the Winter Control program on the basis of a 'rolling average'.

(c) That staff report to the July 2003 Committee of the Whole in regard to:

  (i) service level reduction options available to Council to address the forecasted 2003 Winter control variance of $5,294,720.

  (ii) the analysis, recommendations and financial implications of the Winter control delivery issues identified in Report PW03056.

  (iii) the 2004 Winter control budget implications.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

The 2002/03 Winter Control Program Review is provided in response to a request for information from members of City Council. The primary objective of this review is to:

- identify actual budget variance issues for 2002,
- forecasted budget variance potential for 2003,
- identify resource and operational issues relative to the performance of the 2002/03 Winter control program.

The Winter control plan was developed to address the standard at which the road system would be maintained over the Winter. Winter control budgets are based on the estimated expenditures as a result of recent average Winter experiences. During more severe Winters, the cost of the program can vary substantially.

The 2002/03 Winter season was considerably colder for longer periods, provided more frequent Winter events, included overall higher snow accumulations and was longer in duration than the average Winter over the past number of years.

In 2002, the Winter control budget experienced an unfavourable variance in the amount of $2,285,225. The General Manager of Corporate Services will report on the overall 2002 financial picture and resolve this and any other variances at that time.

Based on experiences during the 2002/03 Winter control season, an unfavourable variance of $5,294,720 is projected for 2003. Staff will report to Committee of the Whole by its July 2003 meeting in regard to the service level reduction options available to Council to mitigate the potential 2003 Winter control variance.

In the 2002/03 Winter season, service levels were generally achieved on all Class 1 and Class 2 roadways. While this was generally achieved, it was not done without significant difficulty at times and without consistent dedication and commitment from supervisory and frontline staff throughout the Winter season. Further, there were some instances where the standards for Class 3 (rural and residential) roads was not met. This report identifies a number of operational issues in relation to staff and equipment availability, contract equipment availability and Winter season duration. In the interest of developing and implementing streamlined operational efficiencies and improved service delivery, staff will report to Council with an analysis of the options available to address these issues and their respective financial implications.

BACKGROUND:

The information/recommendations contained within this report have City wide implications.

The City currently provides Winter maintenance operations to some 3000 centreline kilometres of roadway. Core activities include snow plowing, salting/sanding, snow removal, and the clearing of snow from sidewalks, bus shelters, intersections and crosswalks, which are provided by a combination of in-house resources and contracted external service providers. The ratio of in-house equipment and contracted equipment primarily designated to the plowing, salting, and sanding of roadways in 2002/2003 stands at 75.4% and 24.6% respectively. The 24.6% of service delivered through contracted equipment is currently provided by the Integrated Maintenance Operations

Services (IMOS). In addition to the IMOS contracted equipment, snow clearing operations are also supplemented with various pieces of contracted equipment that are solely dedicated to snow clearing. These pieces include such things as road graders, front end loaders, large agricultural type plows, backhoes, smaller bob cat plows, and light duty 4x4 plows. This additional equipment is primarily used on class 3 roads.

The Winter Control Program is designed to meet the needs of the community from the perspective of driver and pedestrian safety and the provision of emergency services by ensuring that the transportation network remains accessible and serviceable during Winter storm events.

Council, at its meeting of July 10, 2001, approved Committee of the Whole Report 01-023, which included Report TOE01113 providing for Harmonized Winter Control Level of Service Standards and Operational Response Guidelines serving to standardize Winter operations for the new City outlined in Report PW03056 as Appendix A.

Winter Control budgets are typically based on a five year average due to the normal severity fluctuations our climate can experience. In addition, there are a variety of common factors that can change the impact and response to a single storm event including such things as microclimates, temperature changes, wind, volumes of traffic, ground temperatures, frost, flash freeze conditions, and the rate of accumulation.

Environment Canada has reported an average snowfall accumulation for January-April 2003 amounting to 138.2 cm. The 2003 year end projection, based on the total accumulation to date, and a forecasted accumulation for the duration of the year (based on actual accumulation measures for November and December 2002) is estimated at 181.4 cm. It is evident that the total forecasted accumulation is well above the total accumulation average for the last five years.

Hamilton Snowfall Accumulation

Year	Total Accumulation (cm)
2003	Projected total 181.4 cm
2002	114.4
2001	94.4
2000	170.3
1999	166.7
1998	78
Average	**134.2**

As a result of the weather conditions experienced in November and December 2002, an unfavourable 2002 year end variance of $2,285,225 occurred. This degree of variance can be occasionally expected when budgets are based on a five year rolling average. The General Manager of Corporate Services will be reporting to Council on the overall 2002 financial picture and the resolution of overall variances.

The 2003 Winter Control Budget includes a total allocation of $10,804,530 with an expenditure of $10,382,470 to date. A budget forecast (to the end of 2003) based on actuals from 2002/03 season identifies a potential total annual expenditure of $16,099,250. This represents a possible unfavourable variance of $5,294,720 for 2003.

This figure of course, is dependent on the need to respond to climatic conditions and accumulation rates for the months of November and December similar to those experienced in 2002.

The following table is a comparison chart between the actual Winter seasons of 2001/02 and 2002/03. In light of the extreme difference in terms of weather conditions the following information shows a positive result in a lowering trend of salt being applied to the City's roadways during Winter events.

Winter Control Program Performance Data

Winter Season	2001/ 2002	2002/ 2003	Measurement
Total amount of Precip. Snow	100.00	181.4	cm
Total amount of Precip. Rain	9.50	9.63	cm
Total amount of Salt applied	49,000	88,000	Tonnes
Activated hours applying Material: Salt	27,999	53,335	Hours
Application Ratio	1.75	1.65	Tonnes/hour of activation

To date, the 2003 program implementation has successfully achieved the level of service standards for the designated time frames of core operations on Class 1 and Class 2 roadways. However it should be noted that this was not achieved without difficulty specifically in the area of quality control and consistency of service delivery. In light of these correctable difficulties management has identified several positive outcomes. Throughout the Winter season staff has been able to achieve and maintain the highest of service levels on major arterials and escarpment crossings, in fact minimizing the impact of Winter related road conditions that directly effect a motorist's ability to travel in a reasonably safe fashion. Staff has received positive feedback from the public referencing service levels as being of superior quality for class 1's and 2's. Staff will continue to work to meet these standards, and strive for uniform service delivery across the City.

Deficiencies impacting service delivery and efficiencies relate to operational resources (staffing and equipment) and contract management on class 3's specific to rural roads hard surface and residential or local roads. Snow-clearing operations in these areas are not being met in a consistent fashion. Program modifications and/or remediation are required to improve service delivery and overall efficiency. These areas will be discussed in detail.

Staffing Resources

Staff complements consisting of individuals from the Roads and Parks Sections of Public Works in conjunction with the newly introduced "utility pool" consisting of a group of skilled employees who are not on staff with the City, but instead are available on an as-required basis to supplement City labour, perform core service activities associated with Winter control.

Staff has identified the need to review internal staffing complements to ensure that there are adequate resources for the deployment of all city-owned equipment during peak periods and severe weather conditions of extended periods of time.

Recent restructuring initiatives integrating Roads and Parks staff will provide management with the ability to be more flexible and resourceful when scheduling service delivery for the 2003/2004 Winter control season.

In the interest of improved service delivery, staff will undertake to review current shift alignments and standard working hours (as used by the City) in comparison with those of other municipalities to identify scheduling practices which are best suited to provide optimum staffing levels required for operational efficiency. Additional staffing resources may also be apportioned to complaint management and public inquiry response during storm events to facilitate the communication of information and staff response to the event. Staff will be performing an analysis relative to the overall service delivery module in terms of the co-ordination of in-house resources and contracted services to define a recommended balance ratio from an operational efficiency and economical view point.

To further enhance operational efficiency, improvements in quality control must be made to ensure service is delivered at an acceptable and consistent level. These improvements will be achieved through operational and administrative training. Specific training outlining the concepts of the, salt management plan, and Winter control service delivery, is recommended to all levels of staff to clarify the purpose and intent of each component and how they are applied together as well as how the two programs differentiate. The "Salt Management Plan" is to ensure that all staff, manage materials and equipment in an efficient and responsible manner and by doing so will result in a positive impact on service delivery. There is a need to provide training to all levels of staff involved in complaint management in the interest of enhancing communication and response to complaints.

Material Management

The City has sought technological and operational enhancements including such things as computerized spreader controls, which are more accurate in metering salt and sand application rates, and retrofitting fleet with "on board pre-wetting systems". These technological advances, in conjunction with the Salt Management Plan have set out a policy and procedural framework for ensuring that the City continuously improves the management its Winter maintenance operations. Staff will monitor these technological and operational enhancements in the interest of performance appraisal.

Equipment Resources

Areas requiring improvement primarily relate to the operational efficiency of Winter control on Priority 3 routes, more specifically rural and residential streets. The issues center around the equipment currently being used for specialized snow clearing and removal in courts and cul-de-sacs. An investigation into more appropriate equipment types for such problem areas should be undertaken to provide a more practical and efficient approach to snow clearing. Equipment should be classified so as to aid in determining the best-suited equipment for particular tasks. Staff has identified the need to improve service delivery and the timely deployment of adequate equipment in response to a storm event in several but not all defined road operational districts.

Progress made in these specific areas will improve Winter control in the areas of concern.

Contract management relative to the Integrated Maintenance and Operations Services (IMOS) also requires some modification to improve service delivery. Staff will review current practices to evaluate and identify shortfalls in this area. Reallocation of equipment and review of contracted routing is primarily the areas of concern. There are also concerns in the area of control in terms of administration and supervision.

There is a strong need to improve operational service delivery consistency, and to review the types of equipment used by contractors. Once again, more efficient equipment and operational measures for snow removal, especially in residential areas having courts and dead ends is required.

One of the key factors impacting the efficiency of Winter control is the duration of contract agreements. Due to the unpredictable nature of the weather, firm dates relating to the layoff of equipment can not be provided. As such, the term for equipment may be staggered during the first period of the second half of March through the first part of April depending on weather conditions. Negotiated contract extensions need to be reviewed.

To further enhance operations, staff will be coming forward with a harmonized sidewalk snow clearing policy, to include changes in departmental policy, as well as to summarize new strategies. It is anticipated that an ongoing review and assessment of programming will serve as a measure of performance appraisal relative to service deliver and operational sustainability.

Another factor serving to impact service delivery aligns with the rising cost of fleet insurance and fuel. Winter operations contractors have indicated that the cost of insurance and fuel is increasing dramatically, and as a result, some operators are being forced out of business. Furthermore, there are indications that said insurance and fuel costs will come to affect municipalities in the future. Given the rising cost of insurance and fuel, coupled with a decreased number of service providers, it is a fair assumption that the annual operating cost for internal and external service delivery will increase substantially in the years to come.

The identified deficiencies relating to operational resources (staffing and equipment), contract management, and rising fleet costs (such as insurance and fuel) will be reviewed by staff in the coming months. Where required, program modifications and/or remediation will be implemented to improve service delivery and overall efficiency.

ANALYSIS OF ALTERNATIVES:

Status quo program delivery will not address identified program deficiencies and achieve operational efficiencies and superior customer service objectives. Staff will analyze the issues identified and report to Council in regard to the options and financial implications.

Further, if 2002/03 is any indication, there is a real potential that we are headed into a transformation back to more traditional Winter seasons. In light of the significant budget variance issues this will create, staff will also provide Council with options to appropriately balance the service delivery across the City in an attempt to mitigate to the extent possible, these issues.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financial, staffing or legal implications associated with the recommendations of this report. To address the budget variance issues and/or the service delivery issues raised in this report will require budget and/or service level reductions. Staff will report back with the options available to Council and the financial and staffing implications in regard to these options by the July 2003 meeting of Committee of the Whole.

POLICIES AFFECTING PROPOSAL:

There are no policies affected by the recommendations contained within this report. However, should service level reductions be necessary to mitigate the financial pressures of the Winter control program, the Winter control service level standards as adopted by Council may need to be modified. Staff will report back with the options available to Council by the July 2003 meeting of Committee of the Whole.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

This report was prepared in consultation with Public Works and Corporate Services staff.

CITY STRATEGIC COMMITMENT:

Changes to current service delivery models will allow staff to work toward providing services in an efficient and economical manner. This will also provide staff with the necessary tools to have effective plans to identify, and respond to risk issues.

The following chart illustrates the approved Level of Service Standards:

Road Classification		Snow Accumulation			Treatment			
Type	Priority Rating	Reasonable Response Time	Target Response (Accumulation/cm)	Time to Completion	Anti-Icing	De-Icing	Salt	Sand
LINC / Arterials	1	Immediate	2.5 cm	4 Hours	*	*	*	*
Escarpment Crossings	1	Immediate	5 cm	4 Hours	*	*	*	*
Collectors - Primary	2A	4 Hours	8 cm	8 Hours		*	*	*
Collectors - Secondary	2B	4 Hours	8 cm	8 Hours		*	*	*
Rural Roads - Hard Surface	3	8 Hours	10 cm	24 Hours				*
Residential	3	8 Hours	10 cm	24 Hours				*
Loosetop Rural Roads	3	12 Hours	10 cm	24 Hours				

WARD 2 WITH
CITY WIDE
IMPLICATIONS

CITY OF HAMILTON

5.4

ACCOMMODATIONS STUDY SUB-COMMITTEE

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Councillor David L. Mitchell on behalf of Accommodations Study Sub-Committee
Date:	May 1, 2003	**Prepared by:**	Stella Glover - 546-3993

SUBJECT: Hamilton City Hall - Alternative Downtown Accommodations Draft Request for Proposal (PW03050/FCS03086) - (City Wide & Ward 2)

THE ACCOMMODATION STUDY SUB-COMMITTEE HAVING MET ON MAY 1, 2003 PRESENTS REPORT 03-002 AND RESPECTFULLY RECOMMENDS:

RECOMMENDATION:

(a) That staff be directed to issue a Request for Proposal (RFP) as per the RFP Framework provided in Appendix A to Report PW03050/FCS03086 (as revised), and that the final RFP be forwarded to Committee of the Whole meeting of May 20, 2003;

(b) That the final RFP document include the Accommodation Building Spreadsheet attached as Appendix B to Report PW03050/FCS03086);

(c) That the final RFP document include a provision that encourages proponents to design and build a minimum of 5% space in addition to the minimum space identified in recommendation "(b)", in lieu of future growth space, provided that the City is allowed first right of refusal on the additional space;

(d) That the final RFP documents include provisions to consider options for the public private partnership (P3) initiatives including but not limited to utilizing existing real properties (lease), life cycle investments, complementary services, public partnerships and other synergies as outlined in this report;

(e) That the Evaluation Team consist of staff from Public Works, Corporate Services, Planning and Development and other City departments and/or external resources as required;

(f) That MHPM Project Managers Inc. continue to be retained to assist in the proposal evaluation process, as per their original proposal in response to RFP C11-52-01; and that this cost (approximately $60,000 plus GST) be funded by the existing City Hall Accommodation Project (Work in Progress Project # 3540141100).

(g) That staff be authorized to retain (utilizing the City's roster rotation process), additional technical consultants on an as-required basis subject to the receipt of proposals that are consistent with Council's financial resolution. The estimated cost for this is approximately $30,000 (excluding GST) and that the funding for this will be from the existing City Hall Accommodations Project (Work in Progress Project #3540141100).

(h) That the schedule for this project, attached as Appendix 1 to Item 18(a) of Committee of the Whole Report 03-007, adopted by City Council on March 26, 2003, be rescinded and replaced with Appendix "C" to Report PW03050/FCS03086, to provide the proponents more time to respond to the RFP and explore P3 opportunities.

David L. Mitchell

Councillor David L. Mitchell,
Chairman

EXECUTIVE SUMMARY:

Refer to attached staff report PW03050/FCS03086

BACKGROUND:

At its meeting of May 1, 2003 the Accommodations Study Committee was in receipt of the following report – Hamilton City Hall - Alternative Downtown Accommodations Draft Request for Proposal (PW03050/FCS03086) - (City Wide & Ward 2) and made the foregoing recommendations.

Refer to attached staff report PW03050/FCS03086.

FOR THE FURTHER INFORMATION OF COMMITTEE:

The Committee was in receipt of a report entitled "Hamilton City hall – Alternative Downtown Accommodations – Draft Request for Proposal (PW03050/FCS03086 together with Appendix A "Request for Proposal (RFP) Framework" and Appendix B "City Hall Programme Requirements".

Staff subsequently provided a revised Appendix "A" which eliminated the sentence *"Proponents who achieve a minimum score of 60% will pass to the financial evaluation stage"* from subsection 3 of A. Stage 1: Evaluation of the Technical Submission (40%), and which the Committee adopted.

Domenic Lunardo made a presentation and went through the key components of the report including: Purpose of Meeting, Schedule, Accommodations, Proposed Number of Employees at City Hall, Building Size, Future Growth Strategy, Building Enhancement Options, Potential P3 (Revenue-Creating) Options, Impacted City Properties, Legal Considerations, Financial Template, Evaluation Criteria, Evaluation Team, and Key Recommendations.

Discussion took place on whether to proceed during this term of Council or defer the project until the new Council is in place.

The Presentation continued and Rob Rossini circulated a financial template which included options for leasing or purchase and answered questions thereon.

The Committee discussed the presentation and Councillor Caplan suggested that Councillors have input into the evaluation team. Staff agreed that this could be done but cautioned that Council Members would have to be present through the whole process and not just a part of it.

Tim McCabe addressed the parking requirements and it was noted that the RFP would be written in such a way as to allow for different ideas.

Domenic Lunardo asked for direction from Committee with regard to timing and the Committee approved the following:

(Ferguson/D'Amico)
That the Schedule be amended to change the date of the Report to the Accommodation Sub-Committee from September 22, 2003 to January 2, 2004. **CARRIED**

The staff recommendation, together with the revised Appendix A and the addition of subsection (h) was then approved as follows:

(Ferguson/D'Amico)

(a) That staff be directed to issue a Request for Proposal (RFP) as per the RFP Framework provided in Appendix A (as revised), and that the final RFP be forwarded to Committee of the Whole meeting of May 20, 2003;

(b) That the final RFP document include the Accommodation Building Spreadsheet as per Appendix B;

(c) That the final RFP document include a provision that encourages proponents to design and build a minimum of 5% space in addition to the minimum space identified in recommendation "(b)", in lieu of future growth space, provided that the City is allowed first right of refusal on the additional space;

(d) That the final RFP documents include provisions to consider options for the public private partnership (P3) initiatives including but not limited to utilizing existing real properties (lease), life cycle investments, complementary services, public partnerships and other synergies as outlined in this report;

(e) That the Evaluation Team consist of staff from Public Works, Corporate Services, Planning and Development and other City departments and/or external resources as required;

(f) That MHPM Project Managers Inc. continue to be retained to assist in the proposal evaluation process, as per their original proposal in response to RFP C11-52-01; and that this cost (approximately $60,000 plus GST) be funded by the existing City Hall Accommodation Project (Work in Progress Project # 3540141100).

(g) That staff be authorized to retain (utilizing the City's roster rotation process), additional technical consultants on an as-required basis subject to the receipt of proposals that are consistent with Council's financial resolution. The estimated cost for this is approximately $30,000 (excluding GST) and that the funding for this will be from the existing City Hall Accommodations Project (Work in Progress Project #3540141100).

(h) That the previously approved schedule for this project be amended as per Appendix "C" to provide the proponents more time to respond to the RFP and explore P3 opportunities.

CARRIED

ANALYSIS OF ALTERNATIVES:

Refer to attached staff report PW03050/FCS03086

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Refer to attached staff report PW03050/FCS03086

POLICIES AFFECTING PROPOSAL:

Refer to attached staff report PW03050/FCS03086

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Refer to attached staff report PW03050/FCS03086

CITY STRATEGIC COMMITMENT:

Refer to attached staff report PW03050/FCS03086

Cc: Peter M. Crockett, General Manager, Public Works Dept.
Joseph L. Rinaldo, General Manager, Corporate Services Dept.
Domenic Lunardo, General Manager, Fleet Services
Roberto Rossini, Dir. Budgets & Fiscal Policy Services, Corporate Services Dept.

Attach (3)

WARD 2 AND
CITY WIDE

CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT
Fleet & Facilities Division

and

CORPORATE SERVICES DEPARTMENT
Budgets and Fiscal Policy Division

Report to:	Chair and Members Accommodations Subcommittee	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager Joseph L. Rinaldo General Manager
Date:	April 29, 2003	**Prepared by:**	Domenic Lunardo Extension 3982 Rob Rossini Extension 4523

SUBJECT **Hamilton City Hall - Alternative Downtown Accommodations Draft Request for Proposal (PW03050/FCS03086) - (City Wide & Ward 2)**

RECOMMENDATION:

(a) That staff be directed to issue a Request for Proposal (RFP) as per the RFP Framework provided in Appendix A, and that the final RFP be forwarded to Committee of the Whole meeting of May 13, 2003;

(b) That the final RFP document include the Accommodation Building Spreadsheet as per Appendix B;

(c) That the final RFP document include a provision that encourages proponents to design and build a minimum of 5% space in addition to the minimum space identified in recommendation "(b)", in lieu of future growth space, provided that the City is allowed first right of refusal on the additional space;

(d) That the final RFP documents include provisions to consider options for the public private partnership (P3) initiatives including but not limited to utilizing existing real properties (lease), life cycle investments, complementary services, public partnerships and other synergies as outlined in this report;

(e) That the Evaluation Team consist of staff from Public Works, Corporate Services, Planning and Development and other City departments and/or external resources as required;

(f) That MHPM Project Managers Inc. continue to be retained to assist in the proposal evaluation process, as per their original proposal in response to RFP

C11-52-01; and that this cost (approximately $60,000 plus GST) be funded by the existing City Hall Accommodation Project (Work in Progress Project # 3540141100).

(g) That staff be authorized to retain (utilizing the City's roster rotation process), additional technical consultants on an as-required basis subject to the receipt of proposals that are consistent with Council's financial resolution. The estimated cost for this is approximately $30,000 (excluding GST) and that the funding for this will be from the existing City Hall Accommodations Project (Work in Progress Project #3540141100).

Peter M. Crockett, P.Eng.
General Manager
Public Works

Joseph Rinaldo

Joseph L. Rinaldo
General Manager
Corporate Services

EXECUTIVE SUMMARY:

Staff is seeking permission to issue a Request For Proposal (RFP) to pre-qualified Proponents to construct a consolidated City Hall. Internal assistance was provided to address issues related to: Barrier Free design; Public Art; Ceremonial Spaces; Customer Service Counters; and other Special Areas. Over the past months, staff interviewed City directors to confirm the number of employees to be located at a future City Hall.

The RFP Framework is attached in Appendix A. It describes the selection methodology and the weighting staff will place on the RFP submissions. To respond to Council's direction that a proposal for a new City Hall be undertaken with no net impact to the taxpayer (existing costs equal about $6.5 million per year), the Proponents will be informed that their financial submission and costs will make up a significant portion of the evaluation score. The final RFP will be forwarded to the Committee of the Whole meeting on May 13, 2003.

The number of employees to be located at the future consolidated city hall is attached in Appendix B. Appendix B also identifies the recommended size of the future city hall. This information was obtained by consulting with all departments in the past several months.

It is currently proposed to issue the RFP in May 2003, so that the proposal responses could be evaluated and recommendations provided to Council by October 15, 2003.

BACKGROUND:

This report has City-wide implications and specifically Ward 2.

The aging of the existing City Hall building, together with the upcoming lease renewals at significantly higher lease rates, has required the City to formulate a long-term strategy with respect to the future City Hall. The City requires approximately 430,000 square feet of office space in downtown Hamilton to provide suitable consolidated accommodations for City employees, including provisions for the Council chamber and other facilities and amenities associated with a municipal City Hall.

In November 2002, Council authorized staff to proceed with the preparation and submission of a RFP to seven short-listed, private developer proponents to construct a consolidated City Hall. Council's resolution was the "the City of Hamilton give preference to RFP (responses) that provide for no, or minimal, net increases on taxes which can be offset by related savings." To maximize such saving opportunities staff are recommending a number of public private partnership opportunities including but not limited to utilizing affected real properties (leases), life cycle interests, complimentary services, public partnerships and other synergies, refer to the Analysis of Alternatives section of this report.

In addition, Council approved the following: "That revenues from the lease or sale of City owned properties as a result of staff being relocated by the City Hall Accommodation Project, be used to reduce the total costs for this project (not to include the sale of former Town Halls)". The following list of sites would have employees that would move to the new City Hall and therefore these properties could be included and/or recommended for P3 opportunities;

- City Hall (Hamilton)
- Town Hall (Stoney Creek)
- Town Hall (Glanbrook)

Staff met with the short-listed proponents on January 31, 2003 to present the Council direction, to discuss the information to be included in the RFP, and to obtain feedback on the proposed schedule. All of the Proponents expressed a concern with the integrity of the process. They did not wish to invest the significant cost to respond to the RFP and have the decision delayed until next year. There was a general consensus amongst the proponents that the decision with respect to City Hall should be made by October 2003.

Therefore, based on the above, in March 2003, Council authorized staff to proceed with the following schedule:

• Council approval of RFP	May 14, 2003
• Issue RFP	May 15, 2003
• Close RFP	July, 2003
• Accommodation Subcommittee	September 22, 2003
• Committee of the Whole	September 30, 2003
• Council Approval of proponent	October 15, 2003

ANALYSIS OF ALTERNATIVES:

A City Hall Project Team consisting of representation from all departments with assistance from MHPM Project Managers Inc prepared the draft RFP document. Internal assistance was provided to address the following issues: Barrier Free design; Public Art; Ceremonial Spaces; Customer Service Counters. The RFP Framework is provided in Appendix A.

During the fall of 2002, the directors of each division were interviewed to confirm the number of employees to be located at the new City Hall and the space requirements to accommodate these employees. The results of this survey were summarized by staff and confirmed by the General Managers. The approved accommodation space requirement is summarized in Appendix B. In addition to employee space requirements, Appendix B includes space requirements for speciality areas such as Council chambers, ceremonial space, mail rooms, and common storage areas.

Appendix B summarizes the current city hall space requirements. Staff analysed the requirements for future growth. Past city halls have been designed with a future growth space requirement of 0% to 20% of the current requirement. After consideration of the

alternatives, it was decided that the proponents would be informed that the City will not lease additional space. To create a potential Public-Private-Partnership (P3) opportunity, the proponents would be encouraged to design and construct a building that was at least 5% larger than the required space provided in Appendix B. The Proponent would be allowed to lease this space to other tenants provided their business was compatible with City functions. The City would specify that should the City space requirements exceed that shown on Appendix B, the City would have the first right of refusal on the additional space.

In addition to specifying the minimum space requirements, the RFP provides a technical performance requirement specification for the base building and interior finish quality of the building. This document specifies the requirements with respect to barrier free design, sustainable design and energy management, relocation of public art and art enhancement, and parking requirements.

To respond to the Council direction to give preference to solutions with little or no tax impact, staff has been cautious to specify building enhancements that are not within the existing city hall accommodations. The proponents will be requested to provide alternate prices for these enhancement options. The list of enhancements include but are not limited to: Wedding/Meditation Chapel; Fitness Centre; Daycare; and Smart Walls.

To further respond to Council's direction, staff has considered providing the proponent with the opportunity to put forward potential Private-Public-Partnership (P3) initiatives that could result in cost savings. The RFP encourages the proponents to explore and consider the following P3 benefits:

- Real estate and development opportunities, including the development of existing Town Hall buildings and related sites;
- Life cycle investment, which provides the proponent with an opportunity to make upfront investments in the infrastructure or systems in order to minimize ongoing maintenance or replacement costs;
- Complementary services, including over-development for the purposes of leasing to third parties (tenants, retail space), enhancing existing services (e.g. mail room services, print shop services, IT infrastructure, travel services), other services (e.g. business centres, meeting rooms, weddings, fitness center, chapel) and the ability to partner with other levels of government, Crown corporations (e.g. Canada Post Corporation) or other institutional agencies;

- Synergies, including the ability to capitalize on their current operations (e.g. bulk savings), the ability to capitalize on their infrastructure (e.g. current owned facilities) and the ability to provide other services (e.g. property management, parking, food services, office churn, furniture, inventory management and relocation).

To respond to the concerns expressed by the proponents and subject to Council final approval, staff has planned to issue the RFP in May 2003 and the proponents will be required to submit their proposals in July 2003. Subject to the number and quality of proposal submissions, staff is planning to provide a recommendation to Council of the preferred proponent by October 15, 2003.

The Evaluation Team is proposed to consist of staff from Public Works, Corporate Services, Planning and Development and other City departments and/or external resources as required. The proposals will be evaluated using the following evaluation methodology:

- Evaluation of the Technical Submission (40%);
- Evaluation of the Financial Submission (60%).

The top 3 to 4 Proponents will be invited to present their concept to the evaluation team in a formal interview session. An additional score of up to 10% will be added to the Proponent's total score. As a result of this process, the evaluation team will make a recommendation to Council on the Successful Proponent. The team will also recommend a negotiation framework.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial

Each proponent would be required to include the following in their Proposal submission:

- Proponent will be asked to complete a common financial template response
- 25 year lease term, residual value of $1 after year 25
- City right to purchase (or buy-out) immediately, and after 20 years
- Proponent required to perform capital maintenance during lease term
- Proposal costs to include the operating and maintenance expenses for the first year with an inflationary adjustment thereafter

Although the RFP requires pricing as a 25 year lease term, proponents can, in addition to this, also offer an alternate term arrangement.

The financial evaluation would consist of the following:

- Net Present Value (NPV) of the total proposal over the 25 year lease and the annual property tax impacts will be analysed
- Future costs will be compared to the City's projected current costs for the existing city/town halls and leased premises. Current costs are estimated at $5.5 million for operations, maintenance and leases plus an additional $1 million annual provision for capital repairs and upgrades.
- City will carry building reserve set at 1.25% of asset value
- Specialist financial consultant retained to audit and provide due diligence review

Should Council approve a proposed submission and decide to proceed with a new City Hall solution, then a financial consultant would also be required to review all proposed contract and legal agreements to ensure that they are consistent with the original proponent's RFP proposal.

Staffing

The accommodation space requirements were prepared at the same time the City was undergoing a corporate restructuring. Due to time constraints, the requirements were prepared based on the original organization structure. Should a proponent be selected to design and construct the new City Hall, the final space requirement will be confirmed before final design approval.

In addition to the design and construction of the new city hall, the successful Proponent will operate and maintain the building throughout the lease term. Currently the maintenance and operation of the existing City Hall is provided by internal city employees and contracted services. Prior to the execution of a contract with the Proponent to provide these operation and maintenance services, the impact to the existing city employees must be assessed.

In addition, a full evaluation of any Public Private Partnership will need to be revaluated consistent with the City's Alternative Service Delivery Policy.

Legal

Neither the publication of the RFP nor the submission of a proposal to Council will bind the City to award a contract. The draft documentation prepared by Legal Services reserves the maximum discretion and rights to the City which can be done if it is necessary to remain commercially realistic.

Contract to finance, design, build, operate, and maintain

> The RFP will require all Proponents to provide a final draft lease, so that both the legal and financial terms of the offer can be compared. The RFP includes a number of minimum lease conditions that must be satisfied by all Proponents (see below).

P3 opportunities

> The City has received specialist consultant advice as to the possible P3 components. The final documentation will need to be modified to incorporate whatever P3 initiatives the City may choose to pursue. It is envisaged that the approved P3 commitment will form a binding obligation on the part of the Successful Proponent.

Minimum terms of lease

> Because the City Hall will be a public government building, a standard form building lease would not be suitable for the purposes of the City. Uniform minimum terms will be required of all Proponents to ensure that the governmental use of the property is not impaired. These required terms include rights for public access and demonstration and other public events. The City will also be entitled to approve any other tenant in the premises, to ensure that there are no tenants using the property whose presence would be inconsistent with a governmental function.

Proposal to provide performance security

The RFP requires all Proponents to provide bid, construction performance and operational performance security.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

All City departments were consulted in the preparation of this report.

CITY STRATEGIC COMMITMENT:

The analysis presented in this report is consistent with the objectives of Vision 2020 and the approved document entitled "Putting People First: A New Land Use Plan for Downtown Hamilton." This report is consistent with the following specific Vision 2020 goals.

- Local Economy: To promote Hamilton's environment as a desirable place to live and work;
- Land Use in the Urban Area: To redevelop Hamilton's central core as the regional centre;
- Community Well Being and Capacity Building: To develop cultural institutions, public facilities, and parks and open spaces which inspire community pride and a sense of place.

Appendices:

A Request For Proposal (RFP) Framework
B City Hall Accommodation - Programme Requirements

construction performance and

REVISED

APPENDIX A
May 1, 2003

Request for Proposal (RFP) Framework

As a result of the desire to consolidate some municipal functions into a single location, the City has embarked on a procurement process in order to establish of a long-term relationship with a service provider to provide a New City Hall. The process has been designed to offer the potential partners the opportunity to bring forth innovative solutions, which meet the City's overall objectives.

The process proposes a strategy which will improve service delivery to the public, provide efficient office space in line with best practices and reduce operating costs through a consolidation of administrative space. The strategy also recognizes the Council's stated financial objectives and, therefore, proposes an innovative implementation strategy incorporating a "public-private partnership", in order to minimize the tax impact on the community. It anticipates that an open solicitation for proposals from potential private sector partners could leverage greater value from City assets, generate revenue streams through the introduction of complementary services, benefit from synergies with its other operations, create competition and lower project costs, and apply the knowledge and innovative capacities of the private sector in meeting the objectives of the accommodation project.

This partnership-based approach has the following objectives:

- Achieving higher value for money than traditional public sector service delivery approaches;
- Bundling services and life cycle capital renewal, thereby reducing overall costs;
- Using the City's tenancy and possibility of third party revenue to off-set charges;
- Allowing for innovative service delivery by being less prescriptive than traditional public sector procurement;
- Optimizing risk transference by allocating risks to the parties that can best deal with them;
- Accruing funds from leasing out surplus buildings;
- Realizing savings from amalgamation;
- Providing effective and efficient office space;
- Incurring no additional capital cost to the City;
- Providing an opportunity for the private sector to develop a mixed-use development including a potential residential component, in keeping with the City's Master Plan.

The Process

The selection methodology consists of three phases:

Phase 1 – Request for Qualifications (RFQ): The purpose of the RFQ was to qualify Proponents based on their corporate financial strength, their understanding of the City's objectives, experience of the firm and team as well as the suitability of their high level concept. It was also designed to solicit input from the Proponents in order to better shape the RFP. This stage resulted in a short-list of 7 Proponents who will pass to the next phase and be issued the RFP documents.

Phase 2 – Request for Proposal (RFP): The purpose of the RFP is to obtain specific information about the Proponents' proposed concept. It will validate the feasibility of the concept from a financial, operational and fit perspective. The evaluation will take into consideration the amount of risk retained by the City and the value of the P3 benefits that the Proponent has included in their concept.

The selection will conducted three stages:

A. Stage 1: Evaluation of the Technical Submission (40%)

The proposal will be evaluated based on the criteria listed below:

1. Corporate Structure and Commitment (5%)
    a. Proponent's commitment to the sector
    b. strength of partnership
    c. demonstrated experience in dealing with the public-sector
    d. relationship management, including simplicity versus complexity of the agreement
2. Design, Development and Construction Plans (20%)
    a. project team
    b. design and construction, including the start/completion dates and compliance with requirements
    c. facility design and urban development – environmental sensitivity & sustainability
    d. site suitability – parking, location, accessibility, etc.
    e. implementation plan, including delivery and timing commitments
3. Operations and Maintenance Plans related to this project (15%)
    a. project team
    b. facilities management, including life-cycle planning and committed investments
    c. energy management approach and achievements
    d. quality assurance, including tenant/occupant satisfaction, quality of the services, etc.
    e. management approach, including responsiveness and pro-activeness
    f. building and performance standards and service levels
    g. change management approach
    h. innovation
    i. reversion or phase-out plans at the end of the agreement, e.g. alternate use plan, etc.

B. Stage 2: Evaluation of the Financial Submission (60%)

1. Business and Financial Plans, factoring in contributions by the City (e.g. whether land is provided by the City or Proponent) (50%)
    a. NPV
    b. Tax impact
    c. Buy-out options
    d. requested City contributions, .e.g. guarantees, subsidies, in-kind, reversion, etc.
    e. track record in achieving the committed costs on other projects
2. P3 Elements (10%)
    a. Real estate and development opportunities
    b. Life-cycle benefits
    c. Complementary services
    d. Synergies

The Proponents who rank in the top 3-4 will be invited to present their concept to the evaluation team in a formal interview session.

C. **Stage 3: Evaluation of the Interview (Up to 10%)**

The Proponent's score on 10% will be added to their total score.

As a result of this process, the team will make a recommendation to Council on the successful Proponent. They will also recommend a negotiation framework.

Phase 3 – Formalize the agreement: The purpose of this phase is to formalize the agreement with the Proponents. If the City is unable to formalize an agreement with the top scoring Proponent it will make a recommendation to the Council on proceeding to formalize an agreement with the second ranked Proponent. The negotiations will focus on:

1. **Negotiating relevant contractual terms**: The key terms included in the RFP are refined and negotiated using an interest-based negotiation approach. Through the negotiations the City will clarify the specific services to be provided, service level expectation and contract management approach all of which will be included in a lease or other appropriate agreement. This approach focuses on ensuring that the interests and the business goals of both parties are considered and respected during negotiation and be reflected in the terms of the contract.
2. **Finalizing contract management tools**: The performance management framework will be jointly refined and formalized by the City and the Proponent. This is an important aspect of providing a solid partnership, since both partners understand what is expected and what the consequences are for not meeting the expectations.
3. **Finalizing & signing the agreement**: The contractual conditions, which have been assembled in "business language", are then turned over to the City's legal council so that they can fine-tune them and ensure that they are clear and legally binding.

RFP Structure

The RFP will be contained the following sections:

- Introduction and background (including P3 framework)
- Invitation to Proponents
- Instructions to Proponents
- Submission requirements
- Selection methodology and proposal evaluation
- General provisions
- Special provisions

Attachments which will include service specifications, performance management framework, sample forms, etc.

City Hall Accommodation - Programme Requirements

1 GENERAL OFFICE

1a	Groups	department	staff qty.	offices qty.	workstations qty.	staff s.f. area	Storage s.f. area	reception counters s.f. area	special rooms	Totals
		Corporate Governance	41	20	21	4,868	1,005	0	0	5,873
		City Manager	15	5	7	2,089	90	250	200	2,629
		Corporate Services	206	52	157	20,232	7,116	300	0	27,648
		Human Resources	57	13	44	4,744	1,498	200	250	6,692
		Planning & Development	280	44	238	24,007	9,602	1,400	4,150	39,159
		Public Health & Community Services	391	75	316	30,418	9,720	3,000	6,000	49,138
		Public Works	260	36	234	22,788	4,630	1800	0	29,218
		Economic Development	27	20	7	2,416	989	250	1,000	4,655
		Students	80	0	80	4,000	0	0	0	4,000
		Emergency Services	0	0	0	0	0	0	0	0
	sub-total Groups		1,357	265	1,102	115,562	34,650	7,200	11,600	169,012
	circulation factor	*40%*				46,225	13,860	2,880	4,640	67,605
	Total Groups					161,787	48,510	10,080	16,240	236,617

1b	Meeting Rooms	type	est. qty.	plannable area unit	plannable area sub-total	Totals
		4 person	60	150	9,000	
		6-8 person	30	275	8,250	
		12 person	15	425	6,375	
	sub-total Meeting Rooms		105		23,625	
	circulation factor	*35%*			8,269	
	Total Meeting Rooms				31,894	31,894

1c	Common Amenities		est. qty.	plannable area unit	plannable area sub-total	Totals
		serveries	15	150	2,250	
		LAN rooms	15	100	1,500	
		coat storage	30	50	1,500	
		copy rooms (business centres)	15	200	3,000	
		sick room	1	80	90	
		lobbies	15	350	5,250	
	sub-total Common Amenities		91		13,580	
	circulation factor	*35%*			4,753	
	Total Common Amenities				18,333	18,333

City Hall Accommodation - Programme Requirements

			est. qty.	plannable area unit	plannable area sub-total	
2	SPECIAL AREAS					
		council chamber (Including ancillary areas)	1	8,000	8,000	
		committee rooms	5	1,000	5,000	
		ante-rooms	3	200	600	
		public lobbies	1	10,000	10,000	
		staff lunch room	1	17,000	17,000	
		press rooms	3	150	450	
		studio	1	500	500	
	sub-total Special Areas		15		41,550	
	circulation factor	*35%*			14,543	
	Total Special Areas				56,093	56,093

			est. qty.	plannable area unit	plannable area sub-total	
3	BUILDING SERVICES					
3a	Program Areas					
		loading dock	2	1,000	2,000	
		garbage room	1	300	300	
		holding room	1	300	300	
		print room	1	1,500	1,500	
		mail room	1	1,000	1,000	
		building control centre	1	1,000	1,000	
		locker / shower rooms	2	500	1,000	
		basement storage rooms	4	2,000	8,000	
		point of prescence room	1	1,000	1,000	
	sub-total Bldg. Serv.; Program Areas		11		16,100	
	circulation factor	*25%*			4,025	
	Total Special Areas				20,125	20,125

Sub-Total Useable Area		363,061
Estimated Rentable Area	*10%*	399,367
Estimated Gross Area	*10%*	439,304

Notes:

1 "Plannable area" refers to the actual functional programmed space of areas ie: a 10' x 10' room or workstation is 100 s.f.; adding these areas gives a total area of footprinted programmed space; this total is multiplied by a factor of 40% for office use and 35% for common areas to allow for circulation. Circulation accounts for main corridors and all ancillary aislesways serving workstations; the percentage factor used is in our experience a reasonable one given the open workareas and file space.The lesser number for meeting rooms etc. accounts for fewer corridors being required. This factor for office has varied between 30-50%. The circulation factor can also cover workstation panel thicknesses; for instance a nominal 6' x 6' station has an actual 42 sf footprint including panels.Each building will plan slightly differently; some are more efficient than others depending on plate size, column spacing, geometery etc.

2 Useable area as defined by The Standard Method For Measuring Floor Area in Office Buildings by the Building Owners and Managers Association.(BOMA). "Useable" includes all area inside the inside face of exterior glass, except vertical penetrations (stairs, elevators, mechanical shafts) , washrooms,mechanical/electrical rooms ie the core. "Rentable" adds to useable the wasrooms, mechanical, electrical rooms but still excludes vertical penetrations. "Gross" adds the vertical penetrations and takes the exterior line as the outside face of the building ie the building footprint. Every building is different. Proponents should provide a stat analysis of their submission with a rentable/useable ratio. We have assumed a 10% gross up from useable to rentable; this assumes the building has a 91% efficiency (U/R) and that proposed building plates are based on full-floor occupancy (no public corridors). To get the gross footprint we have used 10% again on top of rentable. This again will vary with buildings. Be aware that under "rentable" certain base building common areas may be included such as lobbies, atriums,food service etc. Be aware that under "gross" with new design-build scenarios, there are floor of mechanical equipment, transformer vaults etc. that add to gross.

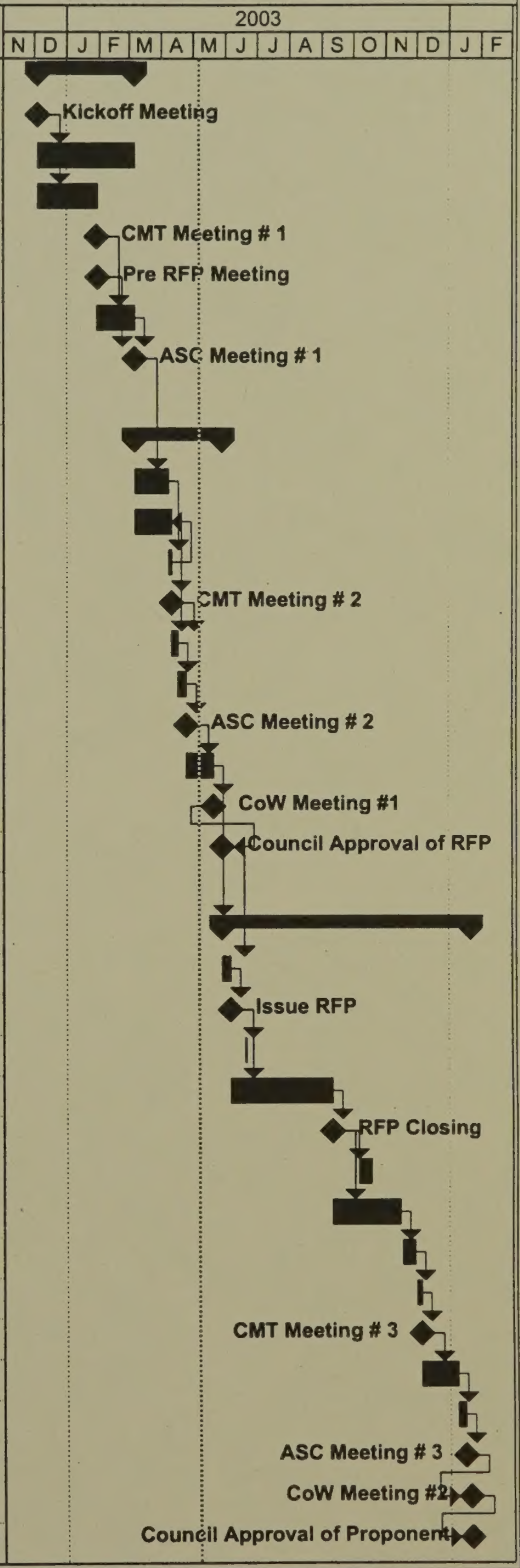
APPENDIX C

HAMILTON CITY HALL
CIVIC ACCOMMODATIONS

SOLICITATION OF PROPOSALS FOR CIVIC ACCOMMODATIONS

81052-3297 (07)
May 6, 2003

ID	Task Name	Dur	Start	Finish
1	**RFP Planning**	**57d**	**Dec 5 '02**	**Mar 6 '03**
2	Kickoff Meeting	0d	Dec 5 '02	Dec 5 '02
3	Finalize Performance Requirements	57d	Dec 5 '02	Mar 6 '03
4	Preliminary RFP Plan	33d	Dec 5 '02	Jan 30 '03
5	CMT Meeting # 1	0d	Jan 30 '03	Jan 30 '03
6	Pre RFP Meeting	0d	Jan 31 '03	Jan 31 '03
7	Final RFP Plan	25d	Jan 30 '03	Mar 6 '03
8	ASC Meeting # 1	0d	Mar 6 '03	Mar 6 '03
9				
10	**RFP Preparation**	**57d**	**Mar 7 '03**	**May 28 '03**
11	Prepare Initial RFP Draft	22d	Mar 7 '03	Apr 7 '03
12	CMT Approval of Accommodation Plan	25d	Mar 7 '03	Apr 10 '03
13	CMT Review	3d	Apr 8 '03	Apr 10 '03
14	CMT Meeting # 2	0d	Apr 10 '03	Apr 10 '03
15	RFP Revisions	4d	Apr 11 '03	Apr 16 '03
16	ASC Review of RFP	5d	Apr 17 '03	Apr 24 '03
17	ASC Meeting # 2	0d	Apr 24 '03	Apr 24 '03
18	RFP Revisions & ASC Report to CoW	17d	Apr 25 '03	May 20 '03
19	CoW Meeting #1	0d	May 20 '03	May 20 '03
20	Council Approval of RFP	0d	May 28 '03	May 28 '03
21				
22	**RFP Submissions and Evaluation**	**167d**	**May 29 '03**	**Jan 21 '04**
23	Print RFP	6d	May 29 '03	Jun 5 '03
24	Issue RFP	0d	Jun 5 '03	Jun 5 '03
25	Proponents Meeting	1d	Jun 20 '03	Jun 20 '03
26	RFP Submission Period	66d	Jun 6 '03	Sep 10 '03
27	RFP Closing	0d	Sep 10 '03	Sep 10 '03
28	Proponent Interviews	10d	Oct 6 '03	Oct 17 '03
29	RFP Evaluation	47d	Sep 11 '03	Nov 14 '03
30	Prepare Evaluation Report	10d	Nov 17 '03	Nov 28 '03
31	CMT Review	4d	Dec 1 '03	Dec 4 '03
32	CMT Meeting # 3	0d	Dec 4 '03	Dec 4 '03
33	RFP Evaluation Report Revisions	25d	Dec 5 '03	Jan 8 '04
34	ASC Review	5d	Jan 9 '04	Jan 15 '04
35	ASC Meeting # 3	0d	Jan 15 '04	Jan 15 '04
36	CoW Meeting #2	0d	Jan 20 '04	Jan 20 '04
37	Council Approval of Proponent	0d	Jan 21 '04	Jan 21 '04



Hamilton

MHPM
PROJECT MANAGERS INC

SECTION 3

CORPORATE WIDE IMPLICATIONS

6.1

CITY OF HAMILTON

OFFICE OF THE CITY MANAGER
Corporate Communications Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Robert Robertson, City Manager
Date:	May 7, 2003	**Prepared by:**	J. Gosgnach 540-5341

SUBJECT: **Corporate Communications Division Restructuring (CMO3016) - (Corporate Wide)**

RECOMMENDATION:

That report CMO3016 "Corporate Communications Division Restructuring" be received for information.

Robert Robertson, City Manager

EXECUTIVE SUMMARY:

This information report is presented to provide Council with an overview of the restructuring of the Corporate Communications Division, Office of the City Manager.

The 2003 requested budget for Corporate Communications was $832,680. Council reduced the budget by $400,000. As a result, the staff complement has decreased from nine to five positions and the discretionary advertising and promotion budget was eliminated. The level of service to all municipal departments will be significantly reduced.

Dedicated communications support is being provided to the following: Office of the City Manager; Public Works; Public Health and Community Services; Human Resources; Corporate Change Management Team (CCMT); Economic Development; Planning & Development; World and Community Events; and Major Projects. All others receive ad hoc communications support for projects on a need/priority basis – i.e. those judged from a corporate perspective to represent high risk and/or high benefit.

It should be noted that there will likely be little or no capacity to support departmental communications during a significant municipal event – especially over a protracted period of time.

Activity Output Impacts:

- Strategic advice to departments is scaled back considerably with issues and programs addressed only on a priority basis – impacting long-term planning and non-urgent initiatives;
- In-house strategic and creative development of advertising programs is curtailed;
- Emergency Response Procedures may be compromised in the event of a full-scale, multi-day incident - staffing support could become an issue;
- Information and education programs will be executed only on a priority basis;
- No internal capacity to assist departments and staff in the development and production of communications materials;
- Mayor, Council, Corporate Services and the Emergency Services Departments will not receive dedicated communications support services;
- The City's weekly *Hamilton Upfront* radio broadcast has been cancelled;
- The City's newly redesigned web site is receiving significantly less editorial input and control from Communications staff; and
- Overall reduction in quality control of municipal communications originating throughout the organization

BACKGROUND:

The Corporate Communications Division provides:

- counsel and support to departments and staff in achieving corporate objectives;
- strategic communications that promote a positive and consistent image of the City of Hamilton; and,
- staff training in business communication theory and practice

Areas of Service Delivery

Issues/Crisis Management

- Guidance and counsel provided to departments about: situation analyses, policy implications, stakeholder analyses and key messaging
- Review, comment and make recommendations about communications initiatives proposed and created by departments

Internal/External Communications Consultation – Strategy and Planning

- Write internal/external communiqués and provide guidance and counsel to departments about: communications objectives, target audience identification, strategies and tactics, budgets and timelines
- Review, comment and make recommendations about communications and marketing plans proposed and created by departments

Media Relations

- Guidance and counsel provided to departments about: communications objectives, strategies and tactics and, key messaging
- Review, comment and make recommendations concerning media releases, media advisories and public service announcements proposed and created by departments
- Distribution of media releases, media advisories and public service announcements
- Liaison between the news media and departments/staff

Communications Training

- Provision of staff training seminars in: Communication Principles; The Writing Process; Communicating through Letters, Memos and Electronic Media; Communicating through Reports and Business Presentations; Media Relations; Developing a Communication Plan; and Corporate Protocol

Corporate Protocol

- Administration of the City of Hamilton protocol policies and procedures including: coat of arms; municipal logo; flags; visiting delegations; funerals; gifting; letters of greeting – this function will be co-ordinated with the Office of the City Clerk

Corporate Publications

- Design and production of the *City Connections* weekly municipal advertising flyer; annual *City of Hamilton Community Report;* and the *Connections* employee bulletins and newsletters

Staff Deployment

Name and Position	**Dedicated Support Role**
John Gosgnach, Manager	Office of the City Manager + Public Works
Tim Tuck, Communications Officer	Public Health and Community Services
Tom Wallis, Communications Officer	Human Resources + Corporate Change Management Team (CCMT)
Robert Plant, Communications Officer	Economic Development + Planning and Development
Philip Homerski, Communications Officer	World and Community Events + Major Projects

All other internal departments will be provided communications support on an ad hoc project basis, based upon the availability of the manager or an officer.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The 2003 requested budget for Corporate Communications was $832,680. Council reduced the budget by $400,000. As a result, the staff complement has decreased from nine to five positions and the discretionary advertising and promotion budget was also eliminated.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Corporate Management Team has been consulted about the restructuring.

CITY STRATEGIC COMMITMENT:

The City of Hamilton's Strategic Plan commits to communicating clearly and effectively with the public.

SECTION 7

CITY WIDE IMPLICATIONS

7.1

CITY OF HAMILTON

CORPORATE SERVICES DEPARTMENT
Financial Services Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo General Manager
Date:	May 9, 2003	**Prepared by :**	Rick Male 905-546-4157

SUBJECT: **Quarterly Status Report on use of Policy #10 – Emergency Purchasing and Policy #11 – Negotiations for the 1st Quarter 2003 - FCS03093 - (City Wide)**

RECOMMENDATION:

That the quarterly status report on use of Policy #10 – Emergency Purchasing and Policy #11 – Negotiations for the 1st Quarter 2003 as set out in Appendix 'A' to Report #FCS03093 be received.

Joseph Rinaldo

Joseph L. Rinaldo, General Manager
Finance & Corporate Services

EXECUTIVE SUMMARY:

This report is in response to a recommendation from the sub-committee of Council after review of the Purchasing Policies and in accordance with Procedure #PR-11. This report details the procurement of goods and/or services during emergency situations and those detailed in Items (a) through (i) of Policy #11. This represents less than 1% of our total annual purchase of goods/services.

BACKGROUND:

The Policy for Negotiations is used in narrowly defined circumstances where it is justified that the Policies for the General Acquisition Process could not be followed.

The "Request to Use the Negotiation Policy/Emergency Reporting Form" which is completed by the initiating department is kept on file in the Purchasing Section and will be made available to Council upon request to the Manager of Purchasing.

The Purchasing Section ensures that standard negotiation employs fair and ethical practices.

During the 1st Quarter of 2003, there were 112 instances where Policy #11 was used totalling $4,494,774.42. The increased usage attributes to the fact that considerable effort has been made to educate the departments on the use of Policy #11 and the proper completion of forms. The breakdown is as follows:

- 7 purchase orders dispatched as "emergency" purchases totalling $89,415.21.
- 26 purchase orders totalling $1,930,921.77 for expanded works where an unexpected problem arose during construction, which did not expand the scope of the project but was necessary in order to deliver the original approved work. Purchase Order 2143 for Glover Hill Inc. in the increased amount of $557,000 was in regards to work done at the Woodward Avenue Waste Water Treatment Plant under MOE order to improve the process capacity for treating waste water. Due to the urgency and time consideration the use of Policy #11 was requested and approved. Purchase Order 2144 for Dufferin Construction in the increased amount of $570,860 involved work for the Highway 403/Lincoln Alexander Parkway/Mohawk Road interchange reconstruction where estimated quantities contained in the contract proved to be insufficient. This increase represents the cost of additional grading, excavation and materials needed to complete the original scope of work.
- 4 purchase orders totalling $62,005.51 for interim contract extensions where the original contract has expired and the Purchasing Section is working with the respective department to review specifications for the release of a new tender document.
- 23 purchase orders totalling $646,021.99 identified as single source purchases whereby a particular vendor was recommended because it was more cost effective or beneficial to the City.
- 38 purchase orders totalling $1,284,855.70 were for sole source vendors where it was deemed that there was only one source of supply in the open market. These vendors have now been approved as sole source suppliers for the calendar year and further acquisitions of the same goods/services will not be reported.
- 14 purchase orders totalling $481,554.24 were declared "time sensitive" where the time available to follow normal procedures was deemed insufficient.

ANALYSIS OF ALTERNATIVES:

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

POLICIES AFFECTING PROPOSAL:

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The "Request to Use the Negotiation Policy/Emergency Reporting Form" is signed by the Departmental Director and forwarded to the Manager of Purchasing for approval.

CITY STRATEGIC COMMITMENT:

The recommendation contained within this report has City-wide implications.

Requests for quotations and tenders are issued to encourage the competitive bidding process with objective and equitable treatment of all vendors, in accordance with the Purchasing Policies approved by Council. Council approved Policy #11 – Negotiations ensures fair and equitable treatment of vendors where the competitive process is restricted.

Appendix A to Report No. FCS03093

1st Quarter 2003 Status Report on
Use of Policy #10 - Emergency Purchasing Policy #11 - Negotiations

PO Date	PO #	Type	Amount	Vendor Name	Buyer	Origin	Description
EMERGENCY PURCHASE							
30/01/03	0000011463	EMER	$ 9,867.00	LAEL CONSTRUCTION CO. LTD.	ITESCH	COM	Fleet & Facilities
13/01/03	0000011180	EMER	$ 9,976.67	LARCO INDUSTRIAL SERVICES LTD.	BKINRADE	HEC	HECFI
30/01/03	0000011460	EMER	$ 12,394.34	SUPERIOR BOILER WORKS	ITESCH	CBO	Operations & Maintenance
30/01/03	0000011459	EMER	$ 19,547.20	BECKETT FIRE EQUIPMENT INC.	ITESCH	CBO	Operations & Maintenance
04/02/03	0000011536	EMER	$ 5,280.00	WM GROVES LIMITED	TIACOE	WWW	Water and Wastewater
29/01/03	0000011439	EMER	$ 7,850.00	WM GROVES LIMITED	TIACOE	WWW	Water and Wastewater
06/02/03	0000011553	EMER	$ 24,500.00	WM GROVES LIMITED	TIACOE	WWW	Water and Wastewater
			$ 89,415.21				
EXPANDED WORKS							
11/03/03	0000012044	EXPD	$ 7,000.00	ITRANS CONSULTING INC.	TIACOE	CPI	Capital Planning & Implementation
20/02/03	0000003155	EXPD	$ 14,594.80	PHILIPS ENGINEERING LTD.	TIACOE	CPI	Capital Planning & Implementation
17/02/03	0000001262	EXPD	$ 18,500.00	DOUGAN & ASSOCIATES	TIACOE	CPI	Capital Planning & Implementation
05/02/03	0000001717	EXPD	$ 21,000.00	RANKIN CONSTRUCTION INC.	TIACOE	CPI	Capital Planning & Implementation
11/02/03	0000009955	EXPD	$ 30,000.00	GRAFF ARCHITECT INC.	TIACOE	CPI	Capital Planning & Implementation
26/03/03	0000008222	EXPD	$ 55,000.00	SHORE TILBE IRWIN & PARTNERS	TIACOE	CPI	Capital Planning & Implementation
07/03/03	0000011999	EXPD	$ 160,000.00	TRANS VIDEO INSP LTD.	TIACOE	CPI	Capital Planning & Implementation
11/02/03	0000002143	EXPD	$ 557,000.00	GLOVER HILL INC.	TIACOE	CPI	Capital Planning & Implementation
25/03/03	0000002144	EXPD	$ 570,860.00	DUFFERIN CONSTRUCTION CO.	TIACOE	CPI	Capital Planning & Implementation
23/01/03	0000011331	EXPD	$ 5,705.96	INTERGRAPH CANADA LTD.	ABOAKES	ECO	Economic Development
04/02/03	0000011509	EXPD	$ 20,750.01	ECONOMIC DEVELOPERS ASSOC. OF CDA	ABOAKES	ECO	Economic Development
26/03/03	0000012307	EXPD	$ 7,000.00	ECOPLANS LIMITED	BKINRADE	RDS	Operations & Maintenance
27/01/03	0000000203	EXPD	$ 38,000.00	HOUGH WOODLAND NAYLOR DANCE LEINSTER	TIACOE	RHV	Red Hill Valley Project
19/02/03	0000011744	EXPD	$ 38,500.00	P.M. HUBBARD & ASSOCIATES	TIACOE	RHV	Red Hill Valley Project

1st Quarter 2003 Status Report on
Use of Policy #10 - Emergency Purchasing Policy #11 - Negotiations

PO Date	PO #	Type	Amount	Vendor Name	Buyer	Origin	Description
27/01/03	0000008478	EXPD	$ 53,900.00	LURA CONSULTING	TIACOE	RHV	Red Hill Valley Project
26/03/03	0000007391	EXPD	$ 56,000.00	JOHNS & KHES PLANNING SOLUTIONS	EVILLABR	RPL	Regional Planning
12/03/03	0000012056	EXPD	$ 8,000.00	DEW IMAGERY	ABOAKES	WST	Waste Management
12/03/03	0000012055	EXPD	$ 21,141.00	MCKENZIE-MOHR ASSOCIATES	ABOAKES	WST	Waste Management
21/01/03	0000006558	EXPD	$ 6,490.00	HYDROMANTIS INC.	TIACOE	WWW	Water and Wastewater
29/01/03	0000003327	EXPD	$ 7,840.00	NATIONAL WATER RESEARCH INSTITUTE	TIACOE	WWW	Water and Wastewater
27/01/03	0000009347	EXPD	$ 50,000.00	FCM CONSTRUCTION LTD.	TIACOE	WWW	Water and Wastewater
29/01/03	0000004109	EXPD	$ 98,340.00	HYDROMANTIS INC.	TIACOE	WWW	Water and Wastewater
24/02/03	0000005663	EXPD	$ 6,400.00	DILLON CONSULTING LTD.	TIACOE	WWW	Water and Wastewater
24/02/03	0000006994	EXPD	$ 11,500.00	ACRES & ASSOCIATED ENVIRONMENTAL	TIACOE	WWW	Water and Wastewater
24/02/03	0000011823	EXPD	$ 32,000.00	GSS SECURITY LTD	TIACOE	WWW	Water and Wastewater
24/02/03	0000006634	EXPD	$ 35,400.00	DILLON CONSULTING LTD.	TIACOE	WWW	Water and Wastewater
			$ 1,930,921.77				
EXTENSION OF CONTRACT							
15/01/03	0000011230	EXTN	$ 13,544.00	SPARKLE CLEAN ENVIRONMENTS	ITESCH	COM	Fleet & Facilities
05/02/03	0000011544	EXTN	$ 8,510.00	SERVICEMASTER CLEAN OF BURLINGTON	ITESCH	CBO	Operations & Maintenance
18/02/03	0000011718	EXTN	$ 14,951.51	RENTOKIL INITIAL CANADA LIMITED	ITESCH	CBO	Operations & Maintenance
29/01/03	0000006941	EXTN	$ 25,000.00	MOHAWK FORD SALES LTD.	CSMITH	POL	Police
			$ 62,005.51				
SINGLE SOURCE							
29/01/03	0000011437	SGLE	$ 6,500.00	TRENCHLESS DESIGN ENGINEERING	TIACOE	CPI	Capital Planning & Implementation
21/03/03	0000012222	SGLE	$ 12,400.00	CUESTA SYSTEMS INC.	TIACOE	DCT	Capital Planning & Implementation
21/01/03	0000011314	SGLE	$ 31,851.60	AMOS ENVIRONMENT & PLANNING	TIACOE	CPI	Capital Planning & Implementation
22/01/03	0000011320	SGLE	$ 18,690.00	HAMILTON TRAINING ADVISORY BOARD	ABOAKES	ECO	Economic Development

1st Quarter 2003 Status Report on
Use of Policy #10 - Emergency Purchasing Policy #11 - Negotiations

PO Date	PO #	Type	Amount	Vendor Name	Buyer	Origin	Description
14/01/03	0000011219	SGLE	$ 30,000.00	INDUSTRY-EDUCATION COUNCIL	ABOAKES	ECO	Economic Development
24/03/03	0000012243	SGLE	$ 9,330.00	RAHAM BUSINESS INTERIORS	BKINRADE	FIR	Emergency Services
12/02/03	0000011640	SGLE	$ 14,000.00	MOHAWK HOSPITAL SERVICES INC.	BKINRADE	FIR	Emergency Services
10/01/03	0000011160	SGLE	$ 24,033.58	BINNS LOCK & KEY CENTRE	BKINRADE	FIR	Emergency Services
15/01/03	0000011222	SGLE	$ 9,000.00	WESTBURY NATIONAL	BKINRADE	HEC	HECFI
19/02/03	0000011739	SGLE	$ 50,000.00	NOVA BILLING & LETTER SERVICES	NKELLY	MUN	Municipal Clerks
22/01/03	0000011324	SGLE	$ 5,226.43	GEMINI FORD LINCOLN SALES LIMITED	CSMITH	POL	Police
06/01/03	0000011074	SGLE	$ 6,621.00	CHUBB SECURITY SYSTEMS	NKELLY	POL	Police
31/03/03	0000012369	SGLE	$ 7,020.00	ZONE LABS INC.	NKELLY	POL	Police
07/03/03	0000011979	SGLE	$ 7,700.00	LORDLY JONES LIMITED	NKELLY	POL	Police
13/02/03	0000008055	SGLE	$ 8,000.00	AL BECK'S KEY SHOP LTD.	NKELLY	POL	Police
26/03/03	0000012290	SGLE	$ 11,850.00	DIGITAL MOBILE SYSTEMS INC.	NKELLY	POL	Police
07/03/03	0000011981	SGLE	$ 13,365.00	LORDLY JONES LIMITED	NKELLY	POL	Police
14/03/03	0000012077	SGLE	$ 17,302.00	LORDLY JONES LIMITED	NKELLY	POL	Police
14/01/03	0000011208	SGLE	$ 38,514.32	COMPAQ CANADA INC	NKELLY	POL	Police
12/02/03	0000011641	SGLE	$ 99,000.00	DESTECH CONSULTING & EDUCATION	NKELLY	POL	Police
27/01/03	0000011365	SGLE	$ 10,778.06	EARTH TECH (CANADA) INC.	TIACOE	WST	Waste Management
13/03/03	0000012074	SGLE	$ 24,840.00	UNIVERSITY OF GUELPH	ABOAKES	WST	Waste Management
19/02/03	0000011753	SGLE	$ 190,000.00	CANADA FIBERS LTD.	TIACOE	WST	Waste Management
			$ 646,021.99				
SOLE SOURCE							
11/02/03	0000011637	SOLE	$ 9,500.00	HAMILTON EAST KIWANIS	TIACOE	CPI	Capital Planning & Implementation
03/03/03	0000011916	SOLE	$ 30,765.00	PHILIPS ENGINEERING LTD	TIACOE	CPI	Capital Planning & Implementation
27/01/03	0000011364	SOLE	$ 115,000.00	CANADIAN NATIONAL RAILWAY	TIACOE	CPI	Capital Planning & Implementation

Appendix A to Report No. FCS03093

1st Quarter 2003 Status Report on
Use of Policy #10 - Emergency Purchasing Policy #11 - Negotiations

PO Date	PO #	Type	Amount	Vendor Name	Buyer	Origin	Description
18/03/03	0000012121	SOLE	$ 7,754.83	HAM REG CONSERVATION AUTHORITY	ABOAKES	CUL	Culture & Recreation
03/03/03	0000011922	SOLE	$ 90,000.00	ASI GROUP LTD	ABOAKES	CUL	Culture & Recreation
18/02/03	0000011729	SOLE	$ 5,285.81	HAMILTON TRUCK SERVICE LIMITED	CSMITH	FIR	Emergency Services
20/02/03	0000011793	SOLE	$ 6,450.00	ONTARIO SAFETY LEAGUE	BKINRADE	FIR	Emergency Services
11/03/03	0000012039	SOLE	$ 7,276.37	DICTAPHONE CANADA (1995) INC.	BKINRADE	FIR	Emergency Services
20/01/03	0000011260	SOLE	$ 17,253.00	GUILLEVIN INTERNATIONAL INC	CSMITH	FIR	Emergency Services
15/01/03	0000011223	SOLE	$ 56,191.45	LAERDAL MEDICAL CANADA LTD	BKINRADE	FIR	Emergency Services
16/01/03	0000011251	SOLE	$ 173,364.00	MOTOROLA CANADA	BKINRADE	FIR	Emergency Services
07/03/03	0000011990	SOLE	$ 7,849.00	BARTON AUTO PARTS LTD	CSMITH	FLA	Fleet Finance Administration
14/03/03	0000012078	SOLE	$ 39,000.00	HARPER DETROIT DIESEL LIMITED	CSMITH	FLT	Fleet Services
04/02/03	0000011511	SOLE	$ 35,711.44	OTIS CANADA INC	BKINRADE	HEC	HECFI
04/02/03	0000011512	SOLE	$ 37,115.48	THYSSENKRUPP ELEVATOR	BKINRADE	HEC	HECFI
04/02/03	0000011513	SOLE	$ 46,956.00	KONE INC.	BKINRADE	HEC	HECFI
13/01/03	0000011187	SOLE	$ 12,264.00	HEWLETT PACKARD (CANADA) LTD	NKELLY	IT	Information Systems
06/02/03	0000011560	SOLE	$ 109,808.00	TERANET LAND INFORMATION SERVICES	NKELLY	IT	Information Systems
20/02/03	0000011780	SOLE	$ 7,000.00	SCHINDLER ELEVATOR COMPANY	EVILLABR	MAC	Macassa Lodge
22/01/03	0000011328	SOLE	$ 32,327.10	RELIZON CANADA	NKELLY	MUN	Municipal Clerks
27/02/03	0000011867	SOLE	$ 10,021.99	INNOVATIVE TRAFFIC SOLUTIONS	BKINRADE	TRO	Operations & Maintenance
18/02/03	0000011721	SOLE	$ 12,620.00	CARR MCLEAN	ITESCH	CBO	Operations & Maintenance
15/01/03	0000011224	SOLE	$ 18,140.00	INNOVATIVE TRAFFIC SOLUTIONS	BKINRADE	TRO	Operations & Maintenance
30/01/03	0000011454	SOLE	$ 40,000.00	HAMILTON HYDRO INC.	BKINRADE	TRO	Operations & Maintenance
31/03/03	0000012380	SOLE	$ 44,418.49	JOHNSON MATTHEY LIMITED	ITESCH	CEM	Operations & Maintenance
11/02/03	0000011633	SOLE	$ 8,533.57	KONE INC.	NKELLY	POL	Police
17/02/03	0000001429	SOLE	$ 10,000.00	LOCKSMITH TECHNOLOGY LTD.	CSMITH	POL	Police

1st Quarter 2003 Status Report on
Use of Policy #10 - Emergency Purchasing Policy #11 - Negotiations

PO Date	PO #	Type	Amount	Vendor Name	Buyer	Origin	Description
06/01/03	0000011075	SOLE	$ 13,504.50	ACE/SECURITY LAMINATES GOLDEN HORSESHOE	NKELLY	POL	Police
22/01/03	0000011322	SOLE	$ 29,315.20	911 PRO INC.	CSMITH	POL	Police
20/03/03	0000012193	SOLE	$ 13,912.00	NORTHPOINT MICRO SERVICES	EVILLABR	SPH	Public Health
11/03/03	0000012037	SOLE	$ 12,730.80	GO TRANSIT	CSMITH	TRN	TRANSIT
31/03/03	0000012378	SOLE	$ 20,000.00	RECYCLING MATERIALS MARKETING	ABOAKES	WST	Waste Management
19/03/03	0000012187	SOLE	$ 12,075.00	ZYMARK CORPORATION	TIACOE	WWW	Water and Wastewater
11/03/03	0000012042	SOLE	$ 15,643.76	AGILENT TECHNOLOGIES INC.	TIACOE	WWW	Water and Wastewater
20/02/03	0000006283	SOLE	$ 20,400.00	UTILITY SECURITY INC.	TIACOE	WWW	Water and Wastewater
19/03/03	0000012177	SOLE	$ 23,308.91	L M ENTERPRISES	TIACOE	WWW	Water and Wastewater
03/03/03	0000011917	SOLE	$ 55,160.00	CONSERVATION EDUCATIONAL SERVICES	TIACOE	WWW	Water and Wastewater
13/03/03	0000012071	SOLE	$ 78,200.00	JOHN MEUNIER INC.	TIACOE	WWW	Water and Wastewater
			$1,284,855.70				
TIME SENSITIVE							
17/02/03	0000011703	TIME	$ 10,000.00	STONE ANGELS MASONRY REPAIRS	TIACOE	CPI	Capital Planning & Implementation
04/02/03	0000011510	TIME	$ 10,787.00	STEVENATO & ASSOCIATES	BKINRADE	FIR	Emergency Services
15/01/03	0000011230	TIME	$ 7,800.00	COCHRANE ENGINEERING LTD.	ITESCH	FCM	Fleet & Facilities
12/02/03	0000009400	TIME	$ 10,000.00	KLAASSEN & ASSOCIATES INC.	TIACOE	WST	Waste Management
29/01/03	0000011440	TIME	$ 20,269.86	EARTH TECH (CANADA) INC.	TIACOE	WST	Waste Management
14/03/03	0000012084	TIME	$ 32,600.00	BROWNFIELD ENVIRONMENTAL INC.	ABOAKES	WST	Waste Management
31/01/03	0000011500	TIME	$ 61,700.00	SPEEDY INDUSTRIAL DOOR	TIACOE	WST	Waste Management
18/03/03	0000012133	TIME	$ 5,604.08	L M ENTERPRISES	TIACOE	WST	Waste Management
31/01/03	0000011501	TIME	$ 10,000.00	BADGER DAYLIGHTING INC.	TIACOE	WWW	Water and Wastewater
11/03/03	0000012049	TIME	$ 15,501.30	WM GROVES LIMITED	TIACOE	WWW	Water and Wastewater
24/02/03	0000011821	TIME	$ 26,900.00	JAGGER HIMS LIMITED	TIACOE	WWW	Water and Wastewater

1st Quarter 2003 Status Report on
Use of Policy #10 - Emergency Purchasing Policy #11 - Negotiations

PO Date	PO #	Type	Amount	Vendor Name	Buyer	Origin	Description
24/02/03	0000011822	TIME	$ 40,192.00	DILLON CONSULTING LIMITED	TIACOE	WWW	Water and Wastewater
19/03/03	0000012176	TIME	$ 100,000.00	ONTARIO ONE CALL LTD	TIACOE	WWW	Water and Wastewater
11/03/03	0000012034	TIME	$ 130,200.00	TROJAN TECHNOLOGIES INC.	TIACOE	WWW	Water and Wastewater
			$ 481,554.24				

SECTION 8

SECTION 9

SECTION 10

AFFECTS
WARD 2

CITY OF HAMILTON

11.1

PLANNING AND DEVELOPMENT DEPARTMENT
Long Range Planning and Design Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	May 2, 2003 34-36 Hess Street S.	**Prepared by:**	Stephanie Barber (905) 643-1262 Ext. 220

SUBJECT: Recommendation to Designate 34-36 Hess Street South under Part IV of the Ontario Heritage Act, in the City of Hamilton, (PD03113) (Ward 2)

RECOMMENDATION:

(a) That the request for designation by Steve Pocrnic of Intrilectual Investments, Inc. of 34-36 Hess Street South, Hamilton, as a property of architectural value or interest pursuant to the provisions of Part IV of the Ontario Heritage Act, 1990, be approved.

(b) That the Reasons for Designation as outlined in Appendix A to Report PD03113 be approved.

(c) That Council direct staff to take appropriate action to designate under Part IV of the Ontario Heritage Act in accordance with the Notice of Intention to Designate attached as Appendix B to Report PD03113.

Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Mr. Steve Pocrnic of Intrilectual Investments, Inc., owner of the subject property, has requested designation of the two-and-a-half storey, stone, semi-detached building at 34-36 Hess Street South under Part IV of the Ontario Heritage Act. While staff is of the opinion that designation under Part IV cannot be supported, at this time, because of the lack of historical significance and loss of architectural integrity, Local Architectural Conservation Advisory Committee (LACAC) is recommending that the designation be approved.

BACKGROUND:

In October 2001, Mr. Steve Pocrnic of Intrilectual Investments, Inc., owner, requested the designation of 34-36 Hess Street South, under the Ontario Heritage Act (see location map attached as Appendix C to Report PD03113). LACAC was advised of this request at its meeting on January 14, 2002, (copy of letter attached as Appendix D to Report PD03113). The Committee accepted the request in principle and directed staff to undertake a heritage assessment of the property. Staff reported to LACAC at its meeting of March 20, 2003, and advised that designation could not be supported due to the building's loss of architectural integrity. LACAC is of the opinion that the building should be designated under Part IV of the Ontario Heritage Act for the following reasons:

- the request for designation has come from the owner;
- the building has been retained with some of its original architectural features; and,
- the building contributes to the streetscape of Hess Street South.

Therefore, LACAC recommended that Council designate the subject property and that staff be directed to prepare Reasons for Designation.

Heritage Attributes:

Physical Context

34-36 Hess Street South is located in downtown Hamilton between Main and George Streets. Known locally as *Hess Village*, this area was originally a residential neighbourhood that has been adaptively re-used for commercial dining and entertainment purposes. Hess Street South between Main and King Streets retains a high degree of physical integrity with many late-nineteenth century brick buildings.

Historical Context of the Area

34-36 Hess Street South is located on the survey owned in 1850 by George S. Tiffany. J. Wilson owned the lot containing the existing building. The Marcus Smith map of 1850-51 indicates that there were no buildings on Hess Street South between Main and George. The 1875 Bird's Eye View map indicated that the survey was still under the ownership of George S. Tiffany and there were no buildings on the subject property at this time. The 1876 Bird's Eye View map shows five buildings between Main and George Streets. An elongated rectangular building is shown on the 1876 map and likely represents the subject building. The 1898 Fire Insurance Map shows seven buildings on Hess Street South between Main and George. The remainder of the surrounding area appears to be fully developed by this time.

The Development, Use and Occupation of 34-36 Hess Street South

The structure at 34-36 Hess Street South was constructed *circa* 1853. Between 1850 and 1860, a number of stone buildings and brick buildings with stone facing were constructed in Hamilton. Based on some common architectural elements such as pedimented hood moulds over windows supported by brackets, prominent architect

Frederick J. Rastrick is suspected to have designed many of these, including 34-36 Hess Street South.

A variety of occupants resided here during the nineteenth century. John McPherson of McPherson and Company lived in number 12 from 1869 to 1872. James Osborne of Osborne and Son grocers settled into number 10 in 1871 and remained there for eleven years until 1882. Number 12 (becoming number 16 in 1875 and number 38 in 1890) saw a more frequent turnover of occupants with names such as: Edward Hilton of Alanson and Hilton, merchants (1873-74); William Griffin, Clerk of the Divisional Court (1874-76), and J. Glassco, hatter (1876-82). Number 38 stood vacant from 1883-1889. Numbers 14 and 16 became thirty-six (36) and thirty-eight (38) in 1890. Number 36 was inhabited by William McBride for three years from 1886-89 and became vacant once again in 1889.

By 1900, two red brick Queen Anne houses were constructed, each one attached to the ends of the subject building. The house numbering changed then again and remains as numbers 34 and 36. Prominent local artist, A.H.H. Heming, resided next door at number 32 (at the corner of Main and George Streets) for five years from 1902-1906. For some time during the late 1960's, 34-36 Hess Street South stood vacant and was vandalized. A fire substantially damaged the building in 1971. The prominent local architectural firm of Prack Partners purchased the building in 1972 and undertook a major renovation.

Prack Partners, originally known as Prack and Prack, was responsible for the design and construction of several landmark buildings such as the Pigott Building (1927), Ivor Wynne Stadium and St. Joseph's Hospital. The Prack Partners' renovation of 34-36 Hess Street South included the removal of four original gabled dormers on the roof, replacing them with a glass panelled skylight (see Appendix C to Report PD03113). This was done to create space on the third floor for commercial use. Also, the 1/1 pane sash windows on the first and second floors were replaced with single pane glazing.

Later tenants of the building altered the front stairs of both units. The front stairs were realigned and rebuilt with a red brick street-facing wall at Number 36, which now houses *The Wedding Chapel.* The front stairs at number 34 were also realigned and rebuilt with metal railings. A recent renovation completed in 2000 involved the removal of the glass skylights and construction of six replacement dormers. Today, aside from *The Wedding Chapel*, the building is occupied by *PRA Commercial*, a local property management company.

Historic Value
Research to-date has failed to uncover any considerable historic value associated with this property.

Architecture
34-36 Hess Street South is a 2-1/2 storey, semi-detached residential building constructed in the Classical Revival style, set upon a raised foundation. The subject

building is constructed of brick with tooled limestone ashlar applied to the façade. The building comprises six bays, both units having three bays each. The front façade and foundation are stone with a watertable above the foundation. The main floor windows and entrance doors are capped with triangular stone pediments with brackets. Classical hood moulds with brackets are situated atop the second floor windows. All of the windows have stone sills. The original double leaf wood doors and transoms remain at the entrances.

The roof has a side gable with chimneys at each end and side brick walls extending slightly above the roofline. The building has a box cornice with simple moulded wood fascia. The original building form, the limestone ashlar façade, window openings and pediments, roofline height, gable end chimneys and original front doors with transoms have been retained. It is suspected that the subject building was designed by local architect F.J. Rastrick.

Frederick James Rastrick
F.J. Rastrick was born in 1820 in West Bromwich, Staffordshire, England. He migrated to Canada in 1852, staying in Brantford one year before settling in Hamilton. His move to Hamilton gave Rastrick the status of being one of the first resident architects in the city. In 1854, Rastrick was appointed engineer for the County of Wentworth, a position that he held for three years. Rastrick was made inspecting architect for the Hamilton, London and Orangeville post offices by the Dominion government. His other achievements include serving as president of the St. George's Benevolent Society and as president of the Hamilton and Gore Mechanics' Institute. He held both positions in 1862. He was also one of those involved in establishing the Public Library and Art School.

During his career in Hamilton, Rastrick designed several prominent landmark buildings including the Young, Law and Company warehouse (1854) and the Customs House (1858). In 1854, Rastrick was hired by Sir Allan MacNab to supervise the addition of a portico to Dundurn Castle. Between 1850 and 1860, this architect also designed various Gothic Revival residences including Amisfield (*The Castle*) and the former Ambrose home on Charlton Avenue. Although Rastrick did not adhere to one specific architectural style in his designs, there are many similarly designed stone and stone-faced Classical/Renaissance Revival buildings that are suspected to have been designed by Rastrick.

Aside from confirmed Rastrick buildings such as the Young, Law and Company warehouse, there are structures including his own home on Forest Avenue, Sandyford Place on Duke Street, the Roach House at 55 Barton Street East and 34-36 Hess Street South that bear similar features utilized by Rastrick. Although not seen on every building, the most notable architectural detail are rosettes within pediments above windows.

Integrity
34-36 Hess Street South has undergone extensive renovations and alterations that have compromised the architectural integrity of this building. They are as follows:

- loss of four original dormers;
- replacement of four original dormers with a full skylight;
- later replacement of skylight with six new dormers;
- loss of central projecting firewall;
- loss of original 1/1 windows;
- replacement of original windows with single unit glazing;
- loss of original front steps;
- realignment of both sets of front stairs;
- rebuilding of the front stairs at number 36 with red brick and construction of brick street-facing wall; and,
- rebuilding of the front stairs at number 34 with metal staircase and balustrading.

Architectural Value
The architectural value of 34-36 Hess Street South is attributed to its Classical Revival architecture, pre-Confederation brick and stone construction and its contribution to the streetscape. The parapet walls, window and door openings with stone triangular pediments and sills, ashlar façade, and wood double leaf doors and transoms are significant architectural features of this building.

However, given the extent of alterations outlined, staff are of the opinion that the architectural integrity of the building has been greatly compromised by unsympathetic alterations and that individual designation under Part IV of the Ontario Heritage Act is not appropriate.

ANALYSIS OF ALTERNATIVES:

The subject building has undergone alterations that have significantly affected its architectural integrity and staff does not support individual designation under Part IV of the Ontario Heritage Act. The building remains as an important, contextual architectural element of the Hess Village streetscape. Staff is of the opinion that this property would be more appropriate for inclusion into a heritage conservation district designated under Part V of the Ontario Heritage Act. The support of property owners for designation of all or part of Hess Village as a heritage conservation district has not been assessed.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – Not applicable.

Staffing – Not applicable.

Legal – The designation process will follow the requirements of the Ontario Heritage Act and provide for adequate notice of Council's intention to designate the property to the owner and the Ontario Heritage Foundation. Formal objections may be made under the Ontario Heritage Act and heard before the Conservation Review Board and prior to Council approving the designating by-law.

POLICIES AFFECTING PROPOSAL:

Official Plan policies of the former City of Hamilton support the conservation, protection and management of cultural heritage features.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Pursuant to Sub-section 29 (2) of the Ontario Heritage Act, Council is required to consult with LACAC respecting designation of property under Sub-section (1). At its meetings of March 20 and April 17, 2003, the City of Hamilton LACAC considered this request for designation together with the staff report.

Staff recommended that the designation could not be supported primarily due to the loss of architectural integrity. Staff is of the opinion that the subject property would be more appropriately designated as part of a heritage conservation district. LACAC is of the opinion that the building should be designated under Part IV of the Ontario Heritage Act for the following reasons:

- the request for designation has come from the owner;
- the building has been retained with some of its original architectural features; and,
- the building contributes to the streetscape of Hess Street South.

Therefore, LACAC recommended that Council designate the subject property and that staff be directed to prepare Reasons for Designation.

CITY STRATEGIC COMMITMENT:

The designation of 34-36 Hess Street South will assist in protecting and enhancing this heritage resource and will contribute to the Vision 2020 goal of preserving Hamilton's built and natural heritage.

:SB
Attachs. (4)

34-36 Hess Street South
City of Hamilton

REASONS FOR DESIGNATION

Architectural Value

The architectural value of 34-36 Hess Street South is attributed to its Classical Revival architecture, pre-Confederation brick and stone construction and its contribution to the streetscape of Hess Street South.

The subject building, constructed as two semi-detached residential units *circa* 1853, comprises a brick structure with tooled limestone ashlar applied to the east façade. The building comprises six bays, both units having three bays each. The front façade and foundation are stone with a watertable above the foundation. The main floor windows and entrance doors are capped with triangular stone pediments with brackets. Classical hood moulds with brackets are situated atop the second floor windows. All of the windows have stone sills. The original entrances contain double leaf wood doors and transoms.

The side gable roof has chimneys at each end and side brick parapet walls extending slightly above the gable and roofline. The building has a box cornice with simple moulded wood fascia.

The Reasons for Designation apply to the front (east) elevation, the roof and forecourt including all entranceways, window openings, stairs and retaining walls together with construction materials of wood, tooled ashlar, brick and stone, and all associated building techniques.

CITY OF HAMILTON

NOTICE OF INTENTION TO DESIGNATE

34-36 Hess Street South, City of Hamilton

IN THE MATTER OF THE ONTARIO HERITAGE ACT and the property in the City of Hamilton known municipally as 34-36 Hess Street South.

NOTICE IS HEREBY GIVEN that the City of Hamilton intends to designate this property as being a property of architectural value.

The architectural value of 34-36 Hess Street South is attributed to its Classical Revival architecture, pre-Confederation brick and stone construction and its contribution to the streetscape.

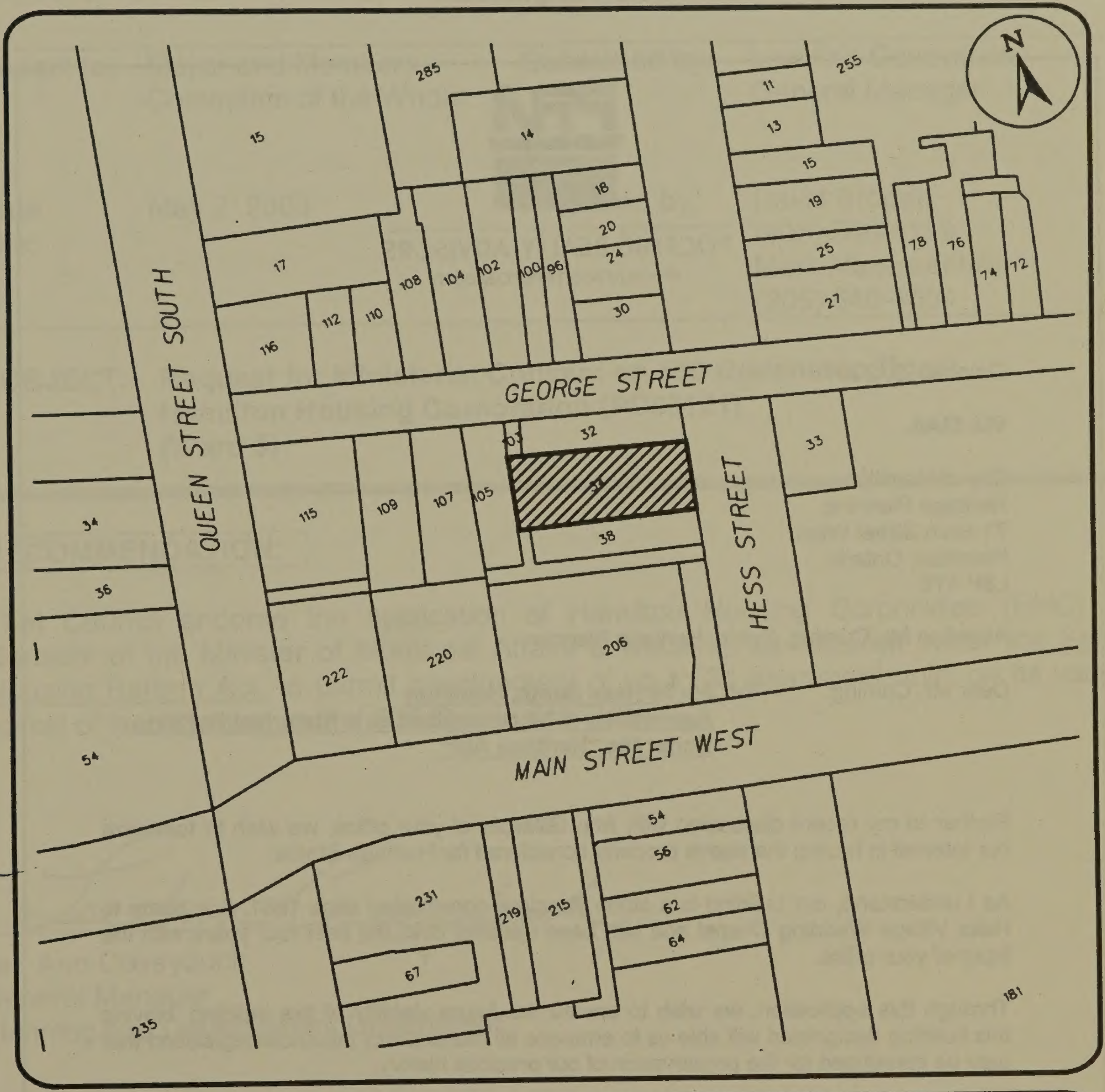
The complete Reasons for Designation may be viewed in the Office of the City Clerk, 2nd Floor, City Hall, 71 Main Street West, during regular business hours.

Any person may, within 30 days after the date of publication of this Notice, serve written notice of his or her objection to the proposed designation together with a statement for the objection and all relevant facts.

Dated at Hamilton, this day of , 2003.

K. Christenson
City Clerk
Hamilton, Ontario

Appendix C to Report PD03113
Page 1 of 1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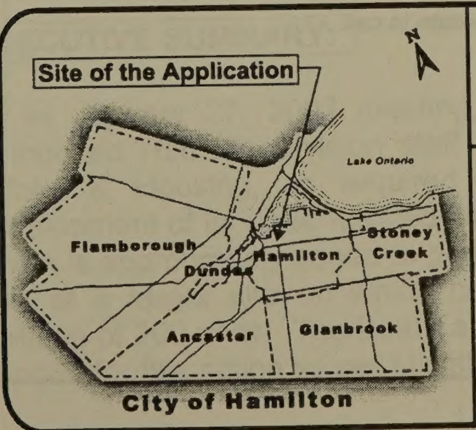
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Site of the Application
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

CITY OF HAMILTON
PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
34-36 Hess Street South

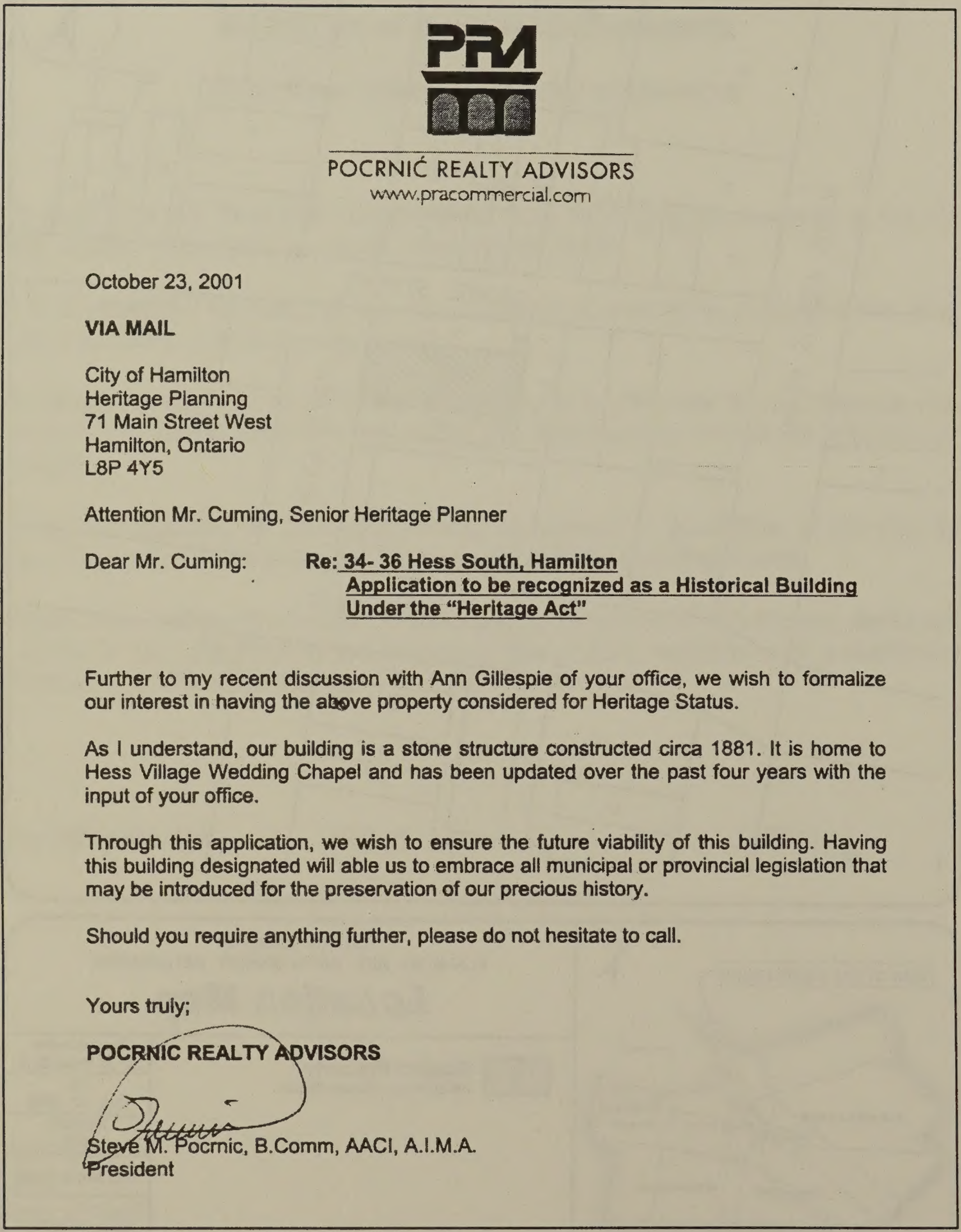
Filename/number
34-36 Hess St.S.

Date
July 10, 2002

Technician:
NM

Map Not to Scale

Appendix "C"



PRA
POCRNIĆ REALTY ADVISORS
www.pracommercial.com

October 23, 2001

VIA MAIL

City of Hamilton
Heritage Planning
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Attention Mr. Cuming, Senior Heritage Planner

Dear Mr. Cuming: **Re: 34- 36 Hess South, Hamilton**
Application to be recognized as a Historical Building
Under the "Heritage Act"

Further to my recent discussion with Ann Gillespie of your office, we wish to formalize our interest in having the above property considered for Heritage Status.

As I understand, our building is a stone structure constructed circa 1881. It is home to Hess Village Wedding Chapel and has been updated over the past four years with the input of your office.

Through this application, we wish to ensure the future viability of this building. Having this building designated will able us to embrace all municipal or provincial legislation that may be introduced for the preservation of our precious history.

Should you require anything further, please do not hesitate to call.

Yours truly;

POCRNIC REALTY ADVISORS

Steve M. Pocrnic, B.Comm, AACI, A.I.M.A.
President

**AFFECTS
WARD 5**

CITY OF HAMILTON

11.2

PLANNING AND DEVELOPMENT DEPARTMENT

Housing Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	May 2, 2003	**Prepared by:**	David Brodati (905) 540-6159 Mark Mascarenhas (905) 546-4604
File:			

SUBJECT: **Request for Ministerial Consent on 555 Queenston Road
Hamilton Housing Corporation (PD03121)
(Ward 5)**

RECOMMENDATION:

That Council endorse the application of Hamilton Housing Corporation (HHC) for Consent of the Minister of Municipal Affairs & Housing, as required under the Social Housing Reform Act, to permit development of up to 34 apartment units on its vacant parcel of land forming part of 555 Queenston Road.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

At its January 27, 2003 meeting, the Board of Directors of CityHousing Hamilton authorized Housing Division staff to obtain the consent of the Minister of Municipal Affairs & Housing, as required under the Social Housing Reform Act, for the development of its under-utilized land at 555 Queenston Road. This under-utilized land which is appropriately zoned to permit 34 units in a two-(2) storey apartment building, is part of a larger site on which currently exists a nine-(9) storey seniors apartment building of 200 units. The Board also directed Housing Division staff to obtain Council's support for this action as per Ministry guidelines.

Under the Social Housing Reform Act, consent of the Minister of Municipal Affairs & Housing is required for certain actions relating to properties owned by a non-profit housing corporation or a Local Housing Corporation (i.e. Hamilton Housing Corporation – one of the six City-owned corporations all of which are otherwise known as CityHousing Hamilton). Staff has been advised by the Ministry that evidence of Council support for a request for Ministerial consent should accompany the business case to be submitted. The business case is attached as Appendix A to this report.

Obtaining Ministerial consent enables CityHousing Hamilton to take advantage of this development opportunity within its portfolio. It also positions the City of Hamilton through CityHousing Hamilton to take advantage of the Hamilton Affordable Housing Partnership Initiative (HAHPI) and possibly the new federal/provincial/municipal Community Rental Housing Program.

BACKGROUND:

Ministerial Consent:

At its January 27, 2003 meeting, the consolidated Board of Directors of the six City-owned housing corporations (CityHousing Hamilton) authorized Housing Division staff to obtain the consent of the Minister of Municipal Affairs & Housing for the potential development on under-utilized land owned by the Hamilton Housing Corporation located at 555 Queenston Road. The Board also directed Housing Division staff to obtain Council's support for this action as per Ministry guidelines.

Under the Social Housing Reform Act, consent of the Minister of Municipal Affairs & Housing is required for certain actions relating to properties owned by a non-profit housing corporation or a Local Housing Corporation (i.e. Hamilton Housing Corporation). In general, section 50(1) of the Act prescribes that, subject to certain exceptions, the local housing corporation would have to obtain consent of the Minister for properties that are transferred, sold, mortgaged, developed and/or redeveloped.

The Ministry of Municipal Affairs & Housing has issued guidelines outlining the contents of a business case to be submitted to the Minister to obtain consent. Housing Division staff has been advised by the Ministry that evidence of Council support for a request for Ministerial consent should accompany any business case submitted. The business case for 555 Queenston Road is attached as Appendix A to this report.

Obtaining Ministerial consent enables CityHousing Hamilton to take advantage of this development opportunity within its portfolio. It also enables the City of Hamilton through CityHousing Hamilton to take advantage of the Hamilton Affordable Housing Partnership Initiative (HAHPI) and possibly the new federal/provincial/municipal Community Rental Housing Program.

The Ministry of Municipal Affairs & Housing has announced a pilot under the Community Rental Housing Program whereby "quickstart" projects that are "development ready" could receive immediate project funding in the first round of program allocations. 555 Queenston Road could make application as a potential "quickstart" project under the pilot initiative for funding consideration.

Housing Portfolio Assessment and Rationalization:

The consolidated Board of Directors of the six City-owned housing corporations (CityHousing Hamilton) has expressed an interest in investigating new and innovative development opportunities and rationalization of the existing city-owned housing portfolio. As the owner of approximately 6,200 housing units in numerous projects and properties throughout Hamilton, the City controls major assets that should be assessed and rationalized as input to a strategic vision for its expanded role in housing.

In response to the direction of the Board of Directors of CityHousing Hamilton, Housing Division staff developed the Terms of Reference for the Portfolio Assessment & Rationalization (PAR) initiative. The Terms of Reference was presented and discussed at the March 28, 2002 Board of Directors meeting. The intent of the initiative is to inventory, document and assess the characteristics of the City-owned housing stock with a view to identifying potential development and re-development opportunities, and to determine if there are any operational efficiencies that can be realized by the City through rationalization of the portfolio.

PAR examined whether there are intensification development opportunities on existing CityHousing Hamilton's multiple unit properties. Initial assessment identified two properties with potential for development: 555 Queenston Road and a land exchange to permit development on Lang Street. These sites were also discussed at the March 28, 2002 Board of Directors meeting. Of these two, 555 Queenston Road presents an opportunity for immediate development with an under-utilized portion of the site zoned to permit a two (2)-storey 34-unit apartment building.

Business Case for 555 Queenston Road:

The business case to support the request for Ministerial Consent to develop the project at 555 Queenston Road is attached as Appendix A.

In summary, 555 Queenston Road is a 3.5 acre site containing an existing nine (9) -storey 200 unit seniors apartment building that was built in the early 1970's. Development approvals (official plan, zoning and site plan) exist for a two (2) -storey apartment building with a maximum of 34 units that was never built by Ontario Housing Corporation (former owner) on approximately 1/3 of the site that is not utilized.

HHC has identified this underutilized parcel of land as a prime opportunity to develop much needed affordable rental housing in the City of Hamilton. The proposal to develop up to 34 units on the under-utilized portion of the site is beneficial to the City of Hamilton and the province because:

- it increases the supply of much needed rental accommodation;
- the major planning approvals are already in place;
- it makes better use of already existing infrastructure and services;
- the land is owned by HHC thus reducing overall development costs;
- there are no outstanding mortgages or encumbrances on the property;
- there will be no negative impacts on tenants of the existing building and the existing number of units will not be reduced;
- a new income stream will be generated from serviced land that is currently not utilized effectively.

There will be no loss of existing units. Existing parking is sufficient for the needs of both the existing residents and those of the new project. The only effect this development will have on the existing residents is that their existing garden plots which are located where the new building is to be build will be relocated to another area on the property. An information meeting will be held with residents to explain the project once approval to proceed is obtained.

ANALYSIS OF ALTERNATIVES:

The alternative of not proceeding with obtaining Ministerial consent for the development/intensification of 555 Queenston Road would place HHC in a disadvantageous position with respect to piggybacking its portfolio rationalization activities with the new Community Rental Housing program and the City's Hamilton Affordable Housing Partnership Initiative. Development of under-utilized land at this site cannot take place and the City will lose out on an opportunity for much needed affordable housing.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Council support of staff to seek the consent of the Minister to permit the development/intensification of 555 Queenston Road will not have any adverse financial, staffing or legal implications for the City of Hamilton.

POLICIES AFFECTING PROPOSAL:

None.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Housing Division staff has consulted with Finance and Legal staff on this matter.

Furthermore, this matter has been reviewed by the Board of Directors of HHC at their January 27, 2003 Board meeting and the Board staff to request Council endorsation.

Staff has consulted with officials at the Ministry of Municipal Affairs & Housing with respect to appropriate implementation of the guidelines for Ministerial Consent under the Social Housing Reform Act.

CITY STRATEGIC COMMITMENT:

Obtaining the Consent of the Minister of Municipal Affairs & Housing to permit the potential development/intensification of City Housing Hamilton land supports the following goals of the City's Strategic Plan:

1. *A City of Growth and Opportunity*
   c) Developing Partnerships for Hamilton with Other Levels of Government
   "Council will urge its government partners to take the steps necessary to support the City in its efforts."

2. *A Great City in Which to Live*
   b) Supporting People in Need, with Care
   "Council will seek work with other levels of Government and the community to ensure that people in need are supported and cared for."

3. *A Healthy, Safe and Green City*
   i) Municipal Housing Program
   "Develop and implement a municipal affordable housing program."

MM:DB
Attach. (1)

REQUEST FOR MINISTERIAL CONSENT FOR THE DEVELOPMENT OF UNDERUTILIZED LAND AT 555 QUEENSTON ROAD, HAMILTON

BUSINESS CASE

SUMMARY

The purpose of this Business Case is to seek from the Ministry of Municipal Affairs & Housing a consent to permit Hamilton Housing Corporation (HHC) to develop land it owns for affordable housing and to provide a rationale for the project. HHC is seeking Ministerial consent to develop the underutilized portion of 555 Queenston Road in accordance with the *Social Housing Reform Act 2000,* s. 50(1).

555 Queenston Road is located in the east end of Hamilton. The 3.5 acre site contains an existing 9-storey 200 unit seniors apartment building that was built in the early 1970's. Development approvals (official plan, zoning and site plan) exist for a 2-storey apartment building with a maximum of 34 units that was never built by Ontario Housing Corporation (former owner) on approximately 1/3 of the site that is not utilized.

HHC has identified this underutilized parcel of land as a prime opportunity to develop affordable rental housing in the City of Hamilton (see Board resolution attached as Appendix A). The proposal to develop up to 34 units on the underutilized portion of the site is beneficial to the City of Hamilton and the province because:

- it increases the supply of much needed rental accommodation;
- the major planning approvals are already in place;
- it makes better use of already existing infrastructure and services;
- the land is owned by HHC thus reducing overall development costs;
- there are no outstanding mortgages or encumbrances on the property;
- there will be no negative impacts on tenants of the existing building and the existing number of units will not be reduced;
- a new income stream will be generated from serviced land that is currently not utilized effectively.

As there are no existing encumbrances registered on title, this will not negatively impact the Ministry of Municipal Affairs & Housing as there is no contingent liability associated with this property. Furthermore, it is anticipated that the development of a maximum 34-unit apartment building on the underutilized portion of 555 Queenston Road will not involve financing in the form of a mortgage. It is anticipated that HHC will make ~~use of~~ an application for consideration of funding through the Community Rental Housing Program and/or the City's Hamilton Affordable Housing Partnership Initiative. Should mortgage financing be necessary, it will be a small percentage of the project value and therefore would not require CMHC mortgage insurance.

PROJECT NAME AND LOCATION

The project is located at 555 Queenston Road in the east end of Hamilton. The project is known as "555 Queenston Road" or simply "Queenston Road". See attached location map and site plan drawing in Appendix B.

PROJECT OWNERSHIP

The Hamilton Housing Corporation (HHC) owns the property located at 555 Queenston Road via transfer order issued from the province and registered on title (Appendix C). HHC is a Local Housing Corporation as defined under the *Social Housing Reform Act* and owned by the City of Hamilton as sole shareholder.

EXISTING MORTGAGE INFORMATION

As indicated in the title search for 555 Queenston Road (Appendix C), there are no mortgages registered on the title of the property and no other encumbrances that affect the provincial interest.

REASONS FOR REQUEST FOR CONSENT

Ministerial consent is required for the development of a 34-unit three-storey apartment building on the underutilized portion of 555 Queenston Road in accordance with the *Social Housing Reform Act 2000*, s. 50(1). This section of the Act states: "Any real property transferred by a transfer order cannot be transferred or mortgaged or otherwise encumbered, developed or redeveloped and an interest in the property cannot be granted or disposed of by any person without the prior written consent of the Minister."

555 Queenston Road is underutilized. One section of this 3.5 acre property has an existing 9 storey, 200 unit seniors apartment building. The other section of this property has the appropriate zoning and official plan designation for a two storey apartment building of up to 34 units (see by-law in Appendix D). All of the necessary servicing is available to the property. Development of this land as proposed would achieve the highest and best use for the property and meet an urgent need for affordable rental housing in the City of Hamilton. It is also consistent with the City's policy of intensification and making better use of existing infrastructure and services.

The Board of Directors of the Hamilton Housing Corporation has endorsed the development of the underutilized portion of 555 Queenston Road for much needed affordable rental housing. This development supports the City of Hamilton's strategic goals as outlined in the City's Strategic Plan as follows:

Goal: A City of Growth and Opportunity
Developing Partnerships for Hamilton with Other Levels of Government - "Council will urge its government partners to take the steps necessary to support the City in its efforts."

Goal: A Great City in Which to Live
Supporting People in Need, with Care - "Council will seek work with other levels of Government and the community to ensure that people in need are supported and cared for."

Goal: A Healthy, Safe and Green City
Municipal Housing Program - "Develop and implement a municipal affordable housing program."

PROPOSED DEVELOPMENT

The proposed development is for up to 34-units in a two storey apartment building on the underutilized portion of the property at 555 Queenston Road in the east end of Hamilton. The project will contain a mix of 1-bedroom and 2-bedroom units. A number of the units will be designed for people with physical disabilities.

Sufficient parking to meet City of Hamilton requirements for both the existing building and the proposed project already exists on the site.

Servicing is available to the property.

Queenston Road is a major arterial road in the East End of Hamilton, containing a mix of uses. A residential neighbourhood of townhouses and single detached dwellings abuts 555 Queenston Road at the rear of the property. Approved setbacks ensure that there are no negative impacts of development on the surrounding neighbourhood. Vehicular access is from Queenston Road. Emergency vehicle access will be provided from Redwood Court at the rear of the site.

HHC has retained soil consultants to prepare an Environmental Site Assessment (ESA) stage 1 report (see Appendix E). The report indicates that the site appears to be clean, however minor decommissioning of some well areas found on the north end of the site needs to be undertaken.

Staff of the Housing Division of the City of Hamilton, in consultation with relevant City departments, are co-ordinating this development.

The municipal approvals required are site plan control and building permit issuance for the construction of the building. Housing Division Staff consultation with staff of the Development Division of the Planning & Development Department have confirmed that no other planning approvals are required for this development.

The consequence of this development not proceeding is that urgently needed affordable rental housing will not be available to those tenants in need of this type of accommodation. Thus, the waiting list for affordable rental accommodations will continue to increase in the City of Hamilton. This underutilized site will remain vacant and ineffectively used.

LAND

The property is located at 555 Queenston Road in the East End of the City of Hamilton (see attached site plan). The legal description is Plan M 77 BLK C. The property is 3.49 acres in size. Approximately two-thirds of the property contains an existing nine storey 200 unit seniors apartment building. The remaining one-third is not developed, although planning approvals exist for a 2 storey 34 unit apartment building.

HHC has commissioned an appraisal firm to establish a market value for the land component of the proposed development. The results of the appraisal will be forwarded when available.

PROCUREMENT

The City of Hamilton will hold an open and fair competitive process for the procurement of a design/build contractor for the design and construction of the project in accordance with the City's purchasing policies.

EXISTING RESIDENTS

The only effect this development will have on the existing residents is that their existing garden plots which are located where the new building is to be build will be relocated to another area on the property. An information meeting will be held with residents to explain the project once approval to proceed is obtained.

There will be no loss of existing units. Existing parking is sufficient for the needs of both the existing residents and those of the new project.

PROJECT CAPITAL BUDGET

Please see attached preliminary project development costs (Appendix F). Overall capital costs for the project will be reduced through minimal land costs and the use of in-house development expertise (project management).

DEVELOPMENT SCHEDULE

Key milestones and schedule for the development of 555 Queenston Road are:

- City of Hamilton Council approval – May 28, 2003
- MMAH (Ministerial) approval – June 30, 2003
- Advertise for contractor/developer qualifications and create short list – June 30, 2003
- Receive quotes from contractors/developers – July 31, 2003
- Award contract and obtain building permit – August 31, 2003
- Start construction – September 30, 2003
- Project completion/occupancy – March 31, 2004

PROJECT RISKS/CONSTRAINTS

There are no known project risks or constraints.

NEW MORTGAGE AND DEBT SERVICE

It is unlikely that new mortgaging for this development will be required. Overall capital costs for the project will be reduced through minimal land costs and the use of in-house development expertise (project management). Monies will be utilized from the Hamilton Affordable Housing Partnership Initiative (HAHPI) and/or the Community Rental Housing Program to cover the construction cost and other development costs.

Prepared by:
Housing Division
Planning & development Department
City of Hamilton

April 30, 2003

Resolution of the Board of Directors

Hamilton Housing Corporation

At its meeting of January 27, 2003, the Board of Directors resolved the following:

> *"That the Chief Executive Officer/Secretary be authorized to seek City Council approval and the consent of the Minister of Municipal Affairs and Housing for:*
>
> 1. *The disposition and replacement with an equivalent number or more of townhouses and apartments through new development of Hamilton Housing Corporation scattered single and semi-detached units subject to:*
>   a) *The disposition criteria attached in Appendix A; and*
>
>   b) *The sale of each unit receiving Board of Directors approval upon the presentation of a business case; and*
>
>   c) *All monies, capital and operating and subsidies relating to the sale of units, be set aside specifically for the purposes of the replacement and addition of affordable housing units in the portfolio; and,*
>
> 2. *Properties where mortgage, land severance and other consents are required from the Province under the Social Housing Reform Act 2000.*

Dated at Hamilton this 2nd day of May, 2003

Hamilton Housing Corporation

Per: **c/s**

Name: **Mark Mascarenhas**
Title: **Chief Executive Officer/Secretary**

I have the authority to bind the Subject Corporation

CRITERIA TO RETAIN/SELL SCATTERD UNITS OWNED BY THE HAMILTON HOUSING CORPORATION

The following criteria have been formulated **to retain** the housing units that best meet current and foreseeable need and demand.

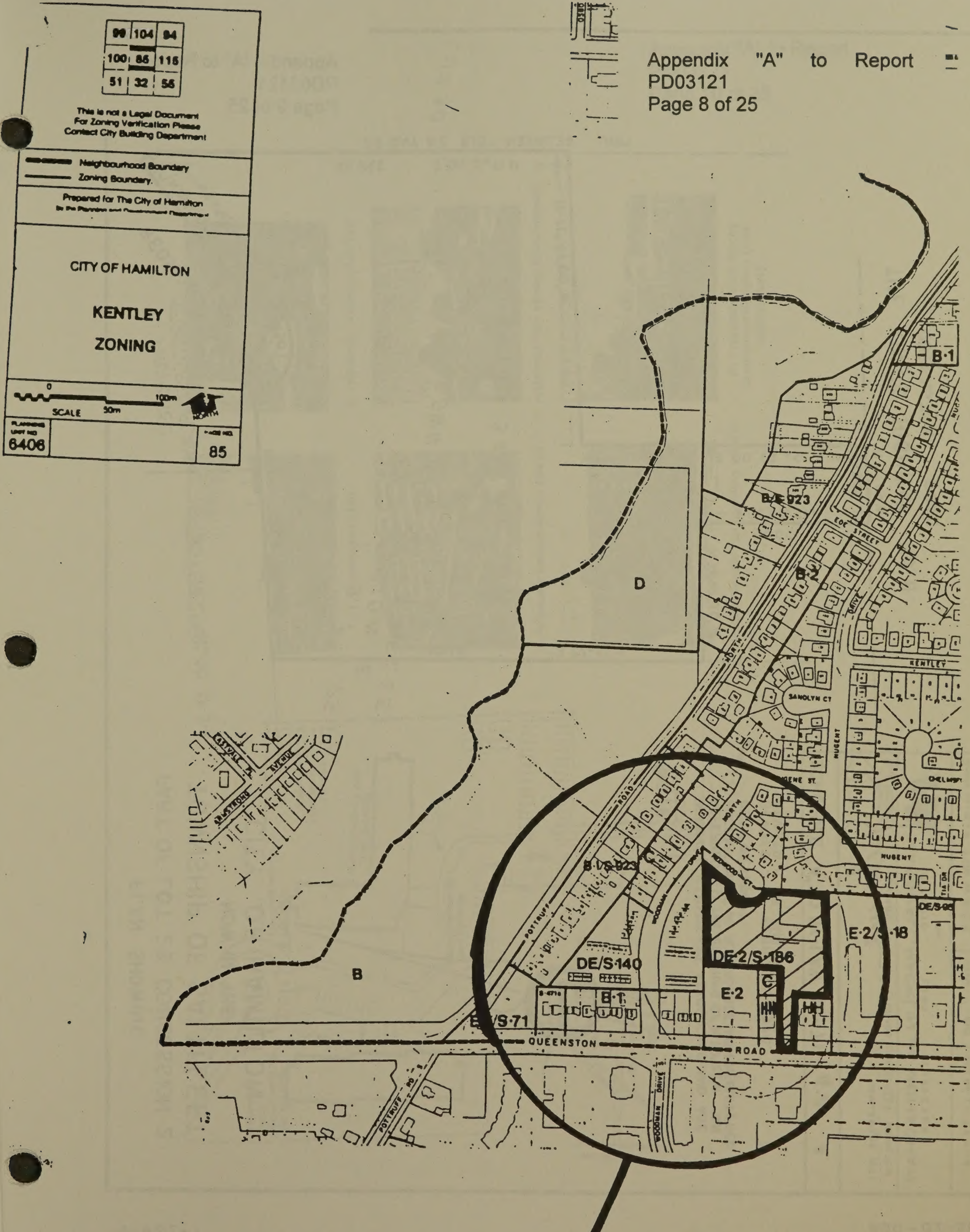
- Dwelling units with four bedrooms or more.
- Dwelling units having amenities suitable for mobility impaired residents and/or having other types of existing accessible built-in features.
- Dwelling units where major renovation/structural retrofits have been carried out within the last 5 years.

The following criteria will be applied **to sell** the housing units that may not be cost effective and replacing them elsewhere on a minimum of 1:1 ratio.

- Units where the current tenant has expressed an interest in purchasing the dwelling unit.
- Semi-detached units where only one side is owned by HHC.
- Units where the anticipated expense of the repairs within the next three years will be in excess of $25,000.00.
- Units that are inefficient to operate, e.g. excessive utility costs, excessive maintenance fees, or high administrative servicing costs due to location.
- Units that are chronically vacant due to such factors as unsuitability to tenant needs, undesirable features, or poor location.
- Units where the market value of the unit is above the current median sale price based on MLS Real Estate sales data in the related geographical area/vicinity.

Unless warranted by exceptional circumstances, the above criteria to sell scattered units will be applied to units as they become vacant in order to minimize tenant disruption.

City of Hamilton
Housing Division
January 03

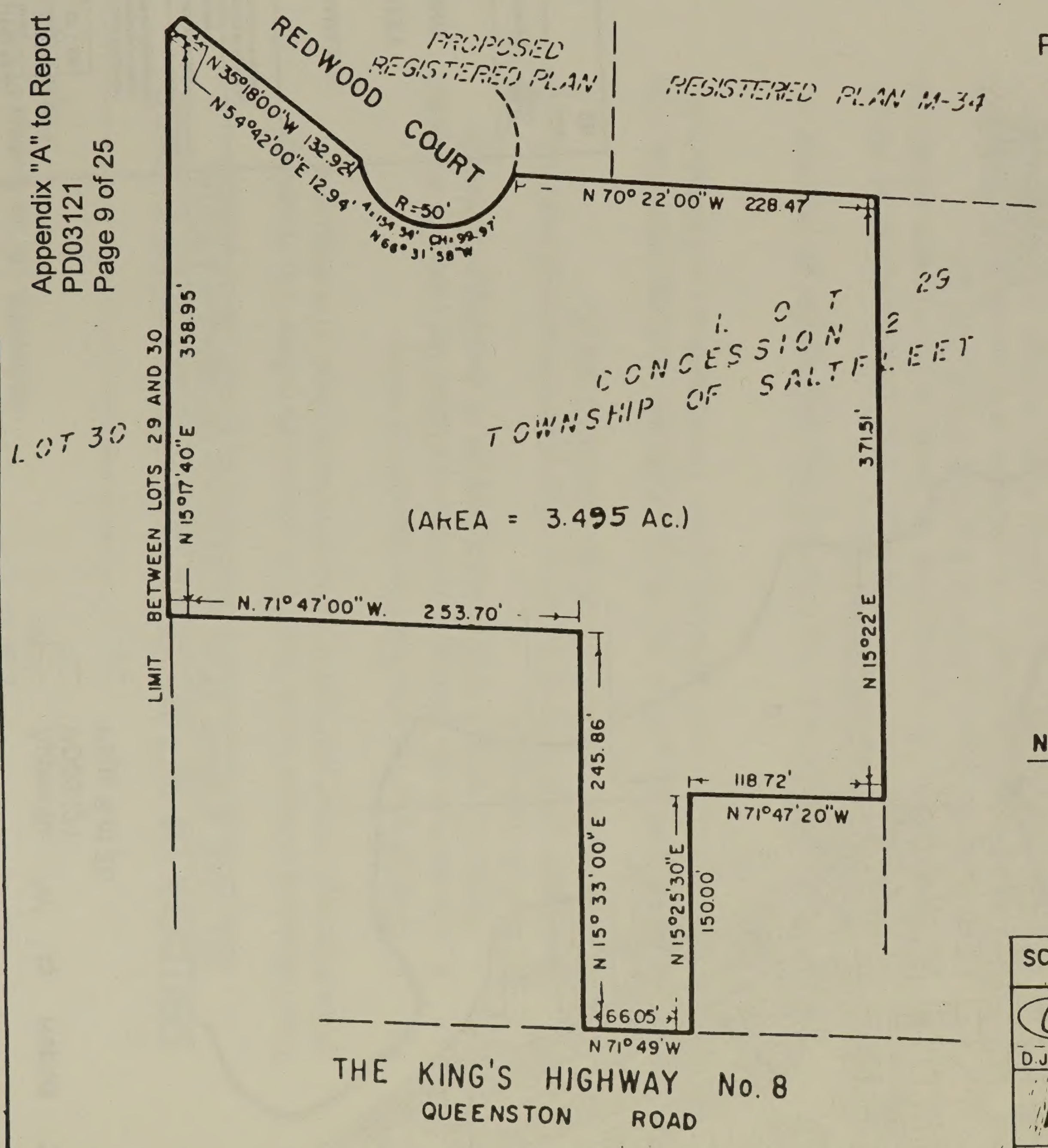

99
104
94
100
85
115
51
32
56
This is not a Legal Document
For Zoning Verification Please
Contact City Building Department
Neighbourhood Boundary
Zoning Boundary.
Prepared for The City of Hamilton
CITY OF HAMILTON
KENTLEY
ZONING
0
100m
50m
SCALE
NORTH
6406
85
B·1
B/E 923
B·2
D
B
EOE STREET
NORTH
KENTLEY
SANOLYN CT
NUGENT
EUGENE ST.
CHELMSFORD
REDWOOD CT
B·1/S·923
C
DE/S·140
DE·2/S·186
E·2/S·18
DE/S·98
E·2
C
B·1
E/S·71
QUEENSTON
ROAD
POTTRUFF
WOODMAN DRIVE
POTTRUFF RD.
REDMOND
SHERWOOD
AVENUE

555 QUEENSTON RD.

L-724-A

PLAN SHOWING
PART OF LOT 29 CONCESSION 2
TOWNSHIP OF SALTFLEET
NOW IN THE
CITY OF HAMILTON

SCALE 1"=100'


REDWOOD COURT
PROPOSED REGISTERED PLAN
REGISTERED PLAN M-34
N 35°18'00"W 132.92'
N54°42'00"E 12.94'
R=50'
A=134.34'
CH=92.97'
N66°31'38"W
N 70° 22' 00"W 228.47
LOT 29 CONCESSION 2 TOWNSHIP OF SALTFLEET
LOT 30
LIMIT BETWEEN LOTS 29 AND 30
N 15°17'40"E 358.95'
(AREA = 3.495 Ac.)
371.51'
N 15°22'E
N. 71° 47'00"W. 253.70'
N 15° 33'00"E 245.86'
118.72'
N 71°47'20"W
N 15°25'30"E
150.00
66.05'
N 71°49'W
THE KING'S HIGHWAY No. 8
QUEENSTON ROAD

NOTE

BEARINGS HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE BEARING OF N.70°22'W. ON NUGENT DRIVE IN ACCORDANCE WITH REGISTERED PLAN No. 1280.

REVISED : 27 FEBRUARY, 1970.
REVISED : 28 JANUARY, 1971.

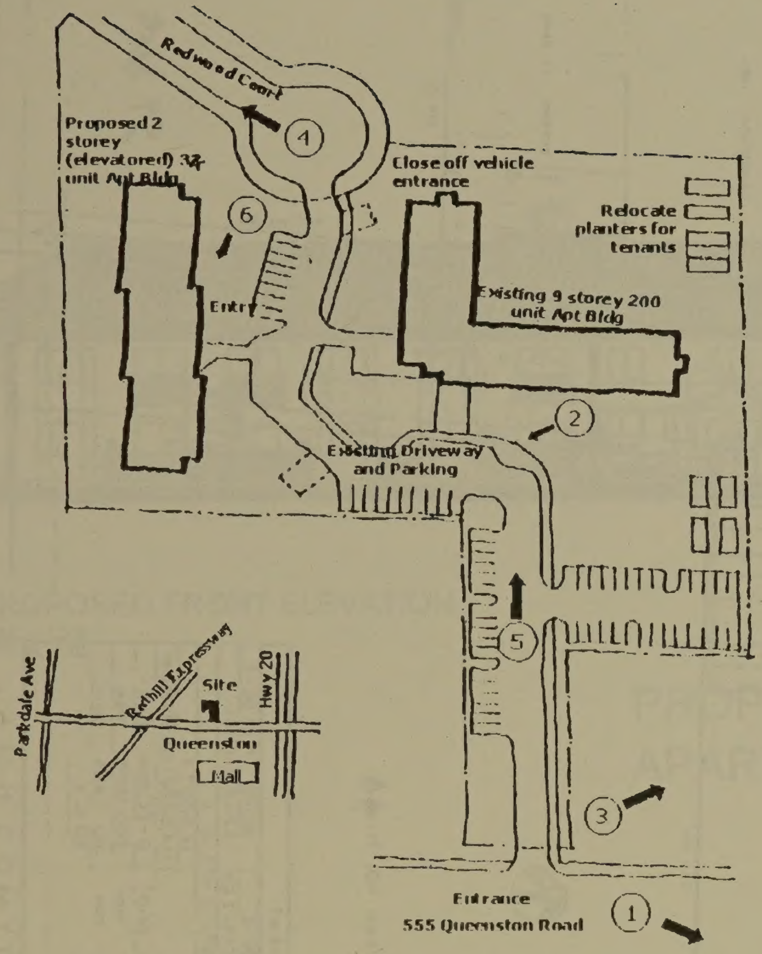
SCHEDULE "A" TO BY-LAW No.-71-44

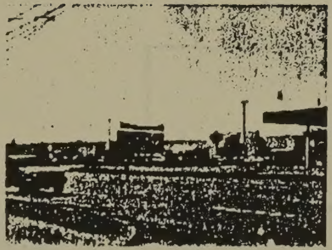
D.J. Howe
D.J. HOWE
DATE JANUARY,28 1971
ONTARIO LAND SURVEYOR 103 JOHN STREET HAMILTON

MARSHALL, MACKLIN and MONAGHAN
ONTARIO LAND SURVEYORS

Drawn by: R.J.P	Chk by R C C	Scale: 1" = 100'	Dwg No. L- 724-A

HS-70-008

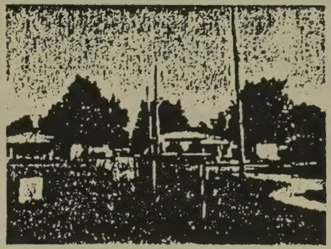

Redwood Court
4
Proposed 2 storey (elevatored) 34 unit Apt Bldg
6
Entry
Close off vehicle entrance
Relocate planters for tenants
Existing 9 storey 200 unit Apt Bldg
2
Existing Driveway and Parking
5
3
Entrance
555 Queenston Road
1
Parkdale Ave
Redhill Expressway
Site
Hwy 20
Queenston
Mall



1. Queenston Mall

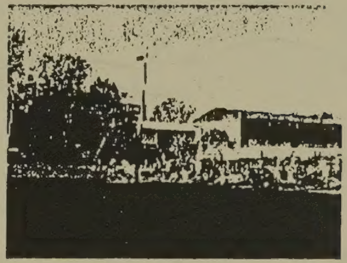
2. Adjacent Commercial/Apt

3. Adjacent convenience stores

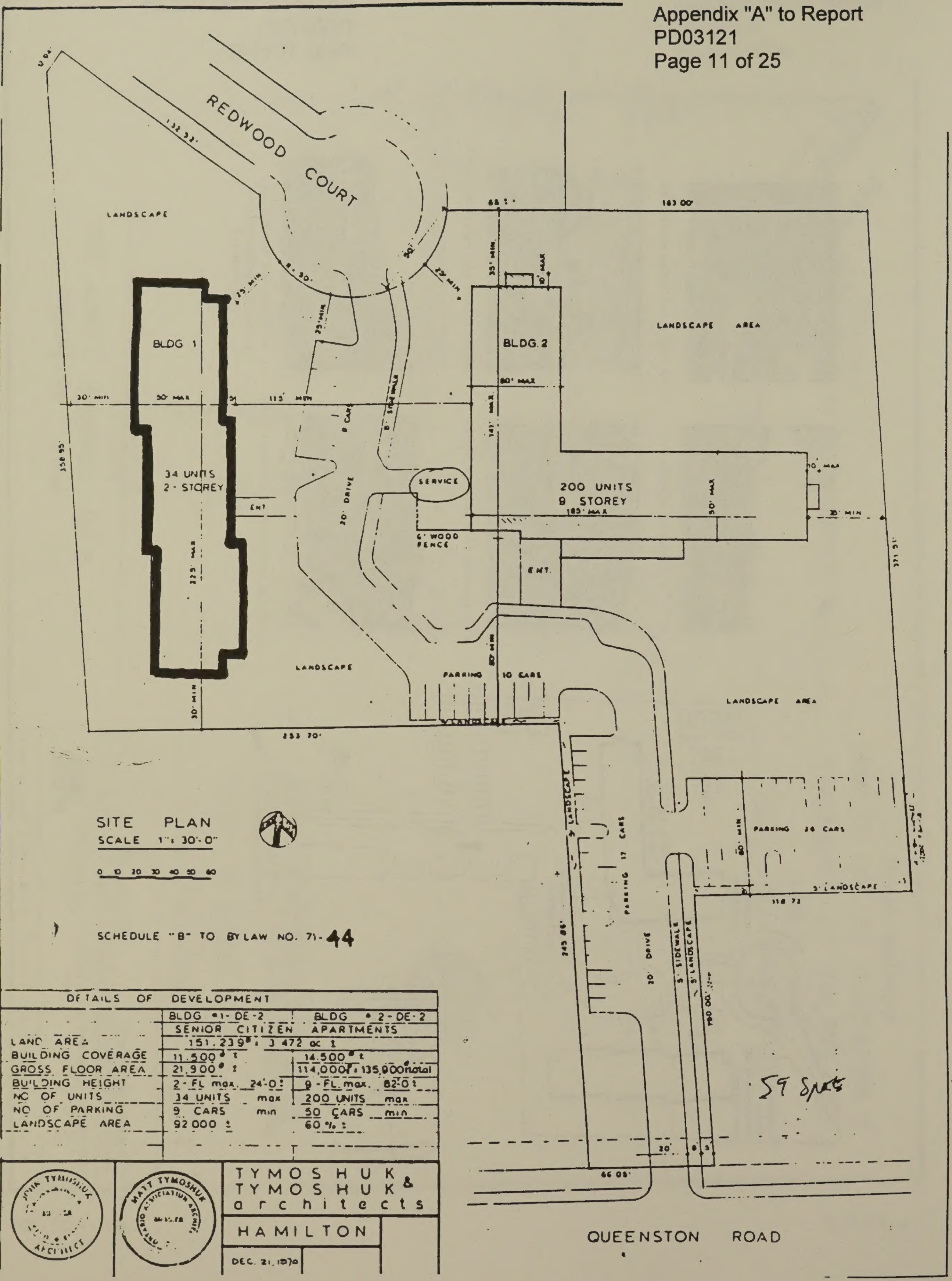


4. Adjacent two storey townhouses

5. Existing Senior Apt building on site



6. Proposed two storey apartment building (this application)


REDWOOD COURT
132.32'
LANDSCAPE
R. 30'
25' MIN
29' MIN
29' MIN
50'
88.5'
183.00'
35' MIN
10' MAX
BLDG 1
30' MIN
50' MAX
115' MIN
158.95'
34 UNITS
2 - STOREY
ENT
225' MAX
30' MIN
8 CARS
5' SIDEWALK
20' DRIVE
SERVICE
BLDG. 2
LANDSCAPE AREA
80' MAX
141' MAX
200 UNITS
9 STOREY
185' MAX
50' MAX
10' MAX
30' MIN
371.51'
6' WOOD FENCE
ENT.
LANDSCAPE
PARKING 10 CARS
LANDSCAPE
233.70'
5' LANDSCAPE
PARKING 17 CARS
245.86'
20' DRIVE
5' SIDEWALK
5' LANDSCAPE
150.00'
60' MIN
PARKING 26 CARS
5' LANDSCAPE
118.72
20'
5
5
66.05'
QUEENSTON ROAD

SITE PLAN
SCALE 1" = 30'-0"

0 10 20 30 40 50 60

SCHEDULE "B" TO BYLAW NO. 71-44

59 Spots

DETAILS OF DEVELOPMENT		
	BLDG •1-DE-2	BLDG •2-DE-2
	SENIOR CITIZEN APARTMENTS	
LAND AREA	151.239□ ± 3.472 ac ±	
BUILDING COVERAGE	11.500□ ±	14.500□ ±
GROSS FLOOR AREA	21,900□ ±	114,000□ ± 135,900□ total
BUILDING HEIGHT	2-FL max. 24'-0" ±	9-FL. max. 82'-0" ±
NO OF UNITS	34 UNITS max	200 UNITS max
NO OF PARKING	9 CARS min	50 CARS min
LANDSCAPE AREA	92 000 ±	60 % ±

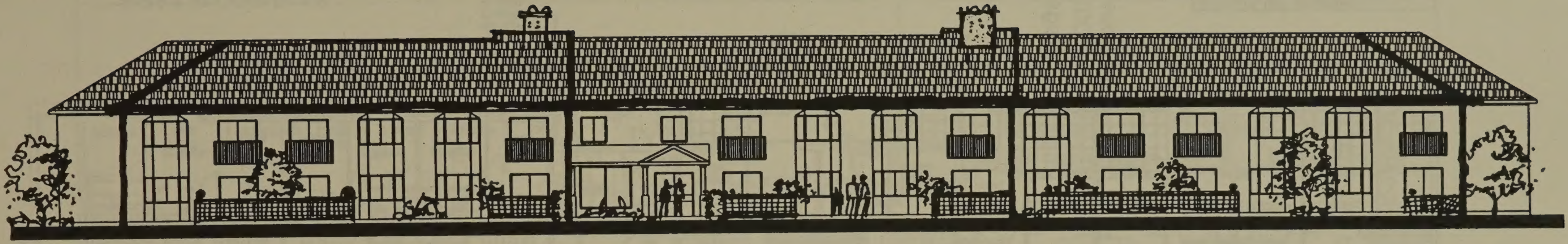
JOHN TYMOSHUK ARCHITECT

MATT TYMOSHUK ONTARIO ASSOCIATION ARCHITECTS

TYMOSHUK &
TYMOSHUK
architects

HAMILTON

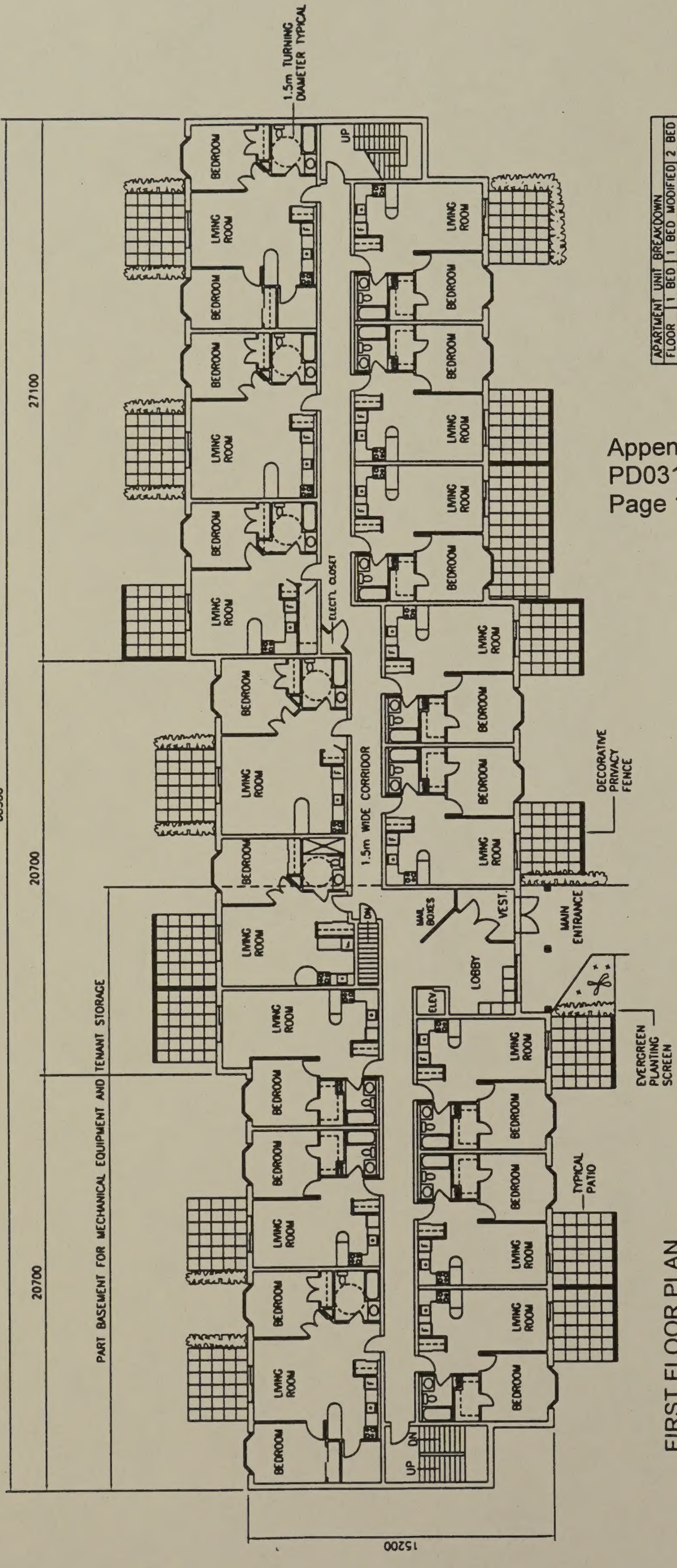
DEC. 21, 1970



PROPOSED FRONT ELEVATION
SCALE = 1:200
APRIL 29, 2003

PROPOSED 2 STOREY
APARTMENT BUILDING

Appendix "A" to Report
PD03121
Page 13 of 25


1.5m TURNING DIAMETER TYPICAL
68500
27100
20700
20700
15200
PART BASEMENT FOR MECHANICAL EQUIPMENT AND TENANT STORAGE
BEDROOM
LIVING ROOM
UP
DN
ELECT'L CLOSET
1.5m WIDE CORRIDOR
MAIL BOXES
VEST.
MAIN ENTRANCE
LOBBY
ELEV.
DECORATIVE PRIVACY FENCE
EVERGREEN PLANTING SCREEN
TYPICAL PATIO

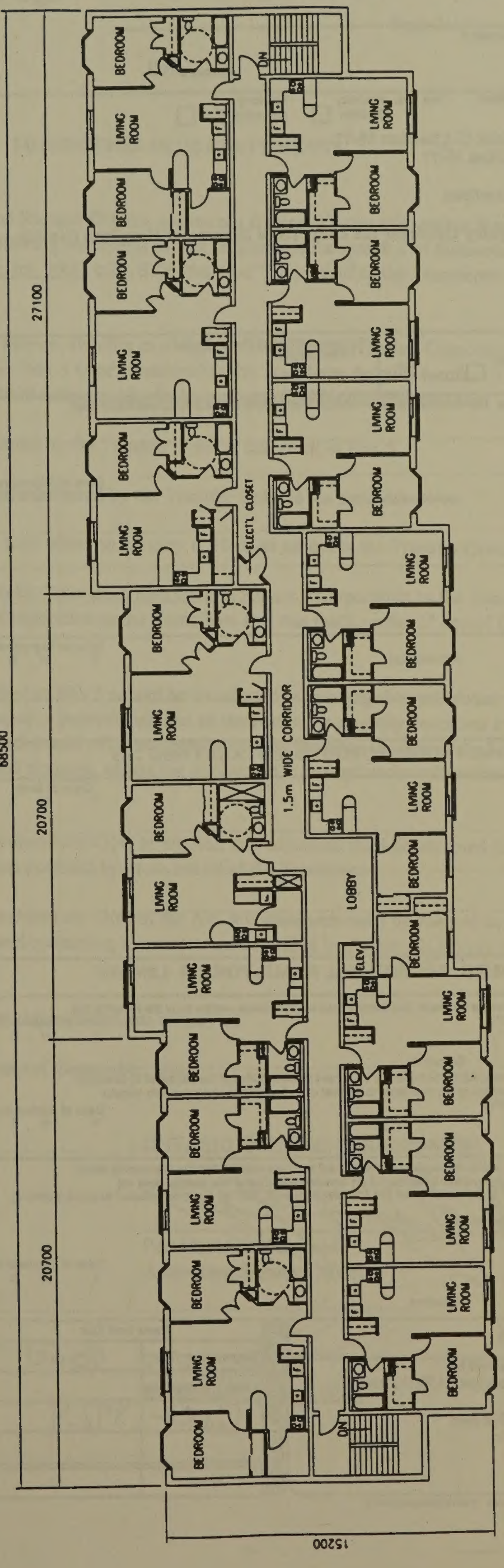
APARTMENT UNIT BREAKDOWN			
FLOOR	1 BED	1 BED MODIFIED	2 BED
FIRST	10	4	2
SECOND	8	4	4
TOTAL	18	8	6

FIRST FLOOR PLAN

AREA = 1032.2 m2
SCALE = 1:200
APRIL 29, 2003

APARTMENT UNIT BREAKDOWN			
FLOOR	1 BED	1 BED MODIFIED	2 BED
FIRST	10	4	2
SECOND	8	4	4
TOTAL	18	8	6

Appendix "A" to Report
PD03121
Page 14 of 25


BEDROOM
LIVING ROOM
1.5m WIDE CORRIDOR
LOBBY
ELEV
ELECT'L CLOSET
DN
27100
20700
20700
68500
15200

SECOND FLOOR PLAN

AREA = 1032.2 m2
SCALE = 1:200
APRIL 29, 2003

of Ontario

Transfer/Deed of Land

Form 1 — Land Registration Reform Act

HAMILT-OH 23-1

FOR OFFICE USE ONLY

Number/Numéro WE62991
Certificate of Receipt
Certificat de récépissé
9:28 OCT 3 0 2001
Cladley
Land Registrar / Registrateur
WENTWORTH NO. 62 HAMILTON
KC

New Property Identifiers

Additional: See Schedule ☐

Executions

Clear

Additional: See Schedule ☐

(1) Registry ☐ Land Titles ☒

(2) Page 1 of 2

(3) Property Identifier(s) Block Property
17282-0057 (LT)

(4) Consideration

Dollars $ NIL

(5) Description This is a: Property Division ☐ Property Consolidation ☐

Parcel Block C-1, Section M-77
Block C, Plan M-77

City of Hamilton

Land Registry Office for the Land Titles Division of Hamilton (No.62)

(6) This Document Contains (a) Redescription New Easement Plan/Sketch ☐ (b) Schedule for: Description ☐ Additional Parties ☐ Other ☒

(7) Interest/Estate Transferred
Fee Simple

(8) Transferor(s) The transferor hereby transfers the land to the transferee ~~and certifies that the transferor is at least eighteen years old and that~~

Name(s)	Signature(s)	Date of Signature Y	M	D
ONTARIO HOUSING CORPORATION				

(9) Spouse(s) of Transferor(s) I hereby consent to this transaction

Name(s)	Signature(s)	Date of Signature Y	M	D

(10) Transferor(s) Address for Service 777 BAY STREET, 16th FLOOR, TORONTO, ONTARIO M5G 2E5

(11) Transferee(s)

	Date of Birth Y	M	D
HAMILTON HOUSING CORPORATION			

(12) Transferee(s) Address for Service 55 HESS STREET SOUTH, P.O. BOX 2500, HAMILTON ON L8N 4E5

Planning Act - OPTIONAL

(13) Transferor(s) The transferor verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene section 50 of the Planning Act.

Signature .... Date of Signature Y M D

Signature .... Date of Signature Y M D

Solicitor for Transferor(s) I have explained the effect of section 50 of the Planning Act to the transferor and I have made inquiries of the transferor to determine that this transfer does not contravene that section and based on the information supplied by the transferor, to the best of my knowledge and belief, this transfer does not contravene that section. I am an Ontario solicitor in good standing.

Name and Address of Solicitor

Signature .... Date of Signature Y M D

Affix Statement by Solicitor for Transferee(s) here if necessary

(14) Solicitor for Transferee(s) I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in subclause 50 (22) (c) (ii) of the Planning Act and that to the best of my knowledge and belief this transfer does not contravene section 50 of the Planning Act. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.

Name and Address of Solicitor

Signature .... Date of Signature Y M D

(15) Assessment Roll Number of Property

Cty.	Mun.	Map	Sub.	Par.
25	18	050	450	50188

(16) Municipal Address of Property

555 Queenston Road
Hamilton, Ontario

File Name: HAMI-196

(17) Document Prepared by:

Ministry of Municipal Affairs and Housing
777 Bay St., 16th Floor
Toronto, Ontario
M5G 2E5

FOR OFFICE USE ONLY

Fees and Tax	
Registration Fee	70.00
Land Transfer Tax	
Acct	8924
Total	

Document prepared using Form1.Ware LandForms

SUBSECTION 43(1)2 STATEMENTS

We, Meredith Beresford and Richard D'Iorio, authorized signing officers of **Ontario Housing Corporation**, make the following statements for the purposes of Paragraph 2 of Subsection 43(1) of the *Social Housing Reform Act, 2000*, c.27, S.O. (the "Act"), on behalf of the Transferee:

i) All the rights, title, interest, liability or obligation that Ontario Housing Corporation had in the property described in Box 5 were transferred to the Transferee described in Box 11 by way of Transfer Order 12/2000 authorized by Order in Council 2371/2000.

ii) The property transferred by the Transfer Order is described in Box 5.

iii) The interest or rights transferred by the Transfer Order is fee simple.

iv) The Transfer Order took effect on January 1, 2001, as set out in the Transfer Order.

v) The applicable Transfer Order described Ontario Housing Corporation as the Transferor, the Hamilton Housing Corporation as the Transferee and was made on the 1st day of December, 2000.

vi) The property described in Box 5 cannot be transferred or mortgaged or otherwise encumbered, developed or redeveloped and an interest in the property described in Box 5 cannot be granted or disposed of by any person without the prior consent of the Minister of Municipal Affairs and Housing, unless the transaction is exempt under subsection 50(2) of the Act.

vii) In accordance with subsection 43(4) of the Act, this document shall be accepted for registration even if it has not been executed by or on behalf of the Transferor.

viii) In accordance with subsection 43(6) of the Act, this document shall be deemed to be a Transfer/Deed of Land containing the statements described in clauses 50(22) (a), (b) and (c) of the *Planning Act*.

ix) This document meets the requirements of the Act.

Dated at Toronto, this 13th day of September, 2001.

ONTARIO HOUSING CORPORATION

Per: Meredith Beresford
Authorized Signing Officer

We have the authority to bind
the Corporation.

Per: Richard D'Iorio
Authorized Signing Officer

NOTICE OF APPLICATION to The Ontario Municipal Board by The Corporation of the City of Hamilton for approval of a by-law to regulate land use passed pursuant to Section 30 of The Planning Act.

TAKE NOTICE that the Council of The Corporation of the City of Hamilton intends to apply to The Ontario Municipal Board pursuant to the provisions of Section 30 of The Planning Act for approval of By-law 71-44 passed on the 9th day of February, 19 71 . A copy of the by-law is furnished herewith. A note giving an explanation of the purpose and effect of the by-law and stating the lands affected thereby is also furnished herewith.

ANY PERSON INTERESTED MAY, within fourteen (14) days after the date of this notice, send by registered mail or deliver to the Clerk of the City of Hamilton notice of his objection to approval of the said by-law, together with a statement of the grounds of such objection.

ANY PERSON wishing to support the application for approval of the by-law may within fourteen (14) days after the date of this notice send by registered mail or deliver to the Clerk of the City of Hamilton notice of his support of approval of the said by-law together with a request for notice of any hearing that may be held giving also the name and address to which such notice should be given.

THE ONTARIO MUNICIPAL BOARD may approve of the said by-law but before doing so it may appoint a time and place when any objection to the by-law will be considered. Notice of any hearing that may be held will be given only to persons who have filed an objection or notice of support and who have left with or delivered to the Clerk undersigned, the address to which notice of hearing is to be sent.

THE LAST DATE FOR FILING OBJECTIONS will be Tuesday,March 9, 1971 .

DATED at the City of Hamilton this 23rd day of February, 1971 .

E. A. Simpson
CITY CLERK
City Hall
Hamilton, Ontario

EXPLANATORY NOTE

By-law 71-44 provides for "DE-2" (Multiple Dwellings) District zoning to be established on 3½ acres of land in the area north of Queenston Road and east of Pottruff Road, as shown on Zoning District Map E.95. The By-law further provides that development of this land be regulated in accordance with the site plan - Schedule "B" - for a senior citizens housing project comprising a 9-storey apartment building containing 200 units and a 2-storey building containing 34 units.

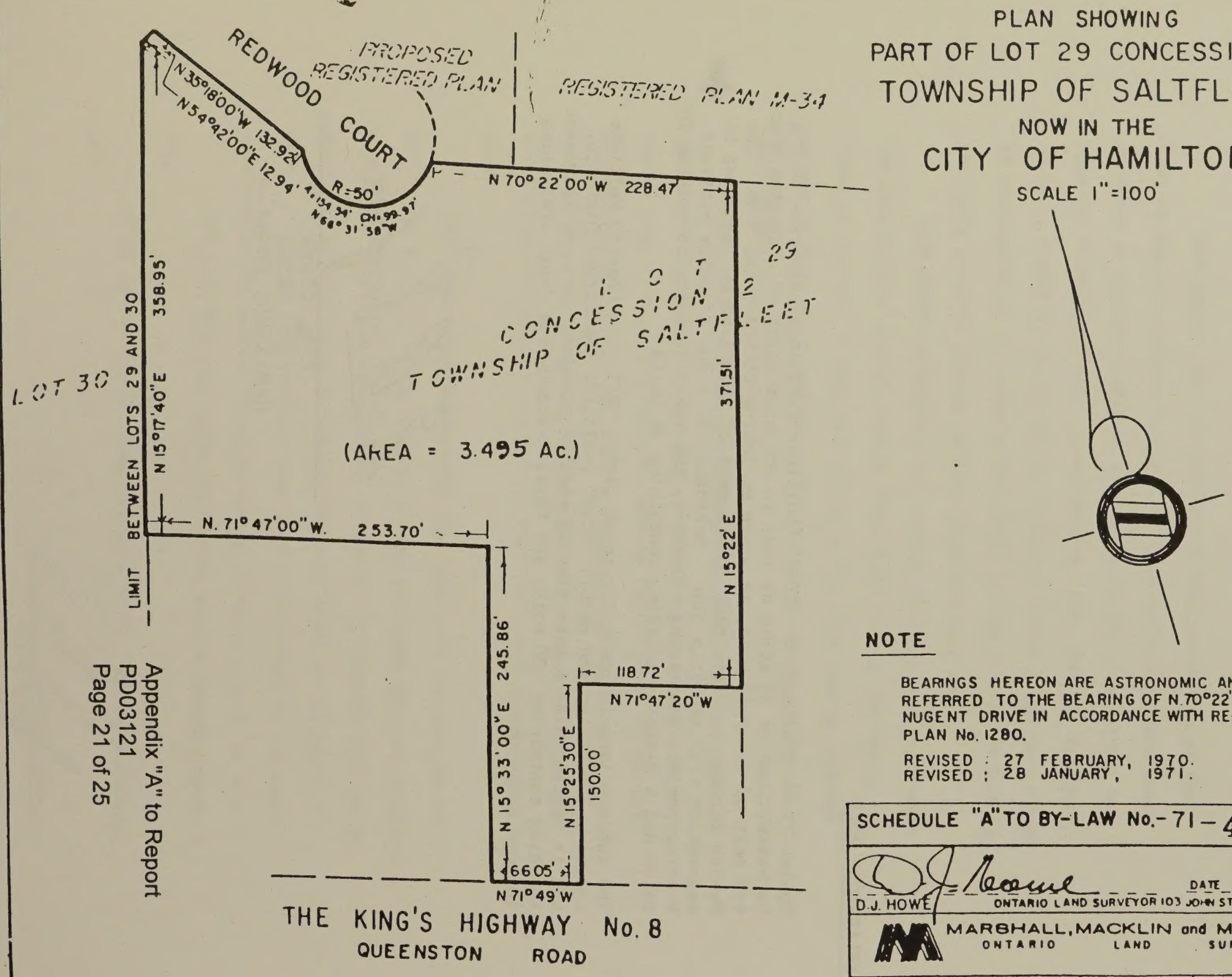
The subject land is presently zoned partly "DE" (Low Density Multiple Dwellings) District and partly "DE-2" (Multiple Dwellings) District, and is regulated by a site plan to allow a standard 9-storey apartment building containing 100 units and three 2-storey buildings containing 16 town house units.

E. A. Simpson

City Clerk
City Hall
HAMILTON, Ontario

PLAN SHOWING
PART OF LOT 29 CONCESSION 2
TOWNSHIP OF SALTFLEET
NOW IN THE
CITY OF HAMILTON

SCALE 1"=100'


REDWOOD COURT
PROPOSED REGISTERED PLAN
REGISTERED PLAN M-341
N 35°18'00"W 132.92'
N 54°42'00"E 12.94'
R=50'
A=134.34' CH=92.97'
N 68°31'38"W
N 70° 22'00"W 228.47
LOT 29
CONCESSION 2
TOWNSHIP OF SALTFLEET
371.51'
N 15°22'E
LOT 30
LIMIT BETWEEN LOTS 29 AND 30
N 15°17'40"E 358.95'
(AREA = 3.495 Ac.)
N. 71° 47'00"W. 253.70'
N 15° 33'00"E 245.86'
118.72'
N 71°47'20"W
N 15°25'30"E 150.00'
66.05'
N 71°49'W
THE KING'S HIGHWAY No. 8
QUEENSTON ROAD

NOTE

BEARINGS HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE BEARING OF N.70°22'W. ON NUGENT DRIVE IN ACCORDANCE WITH REGISTERED PLAN No. 1280.

REVISED : 27 FEBRUARY, 1970.
REVISED : 28 JANUARY, 1971.

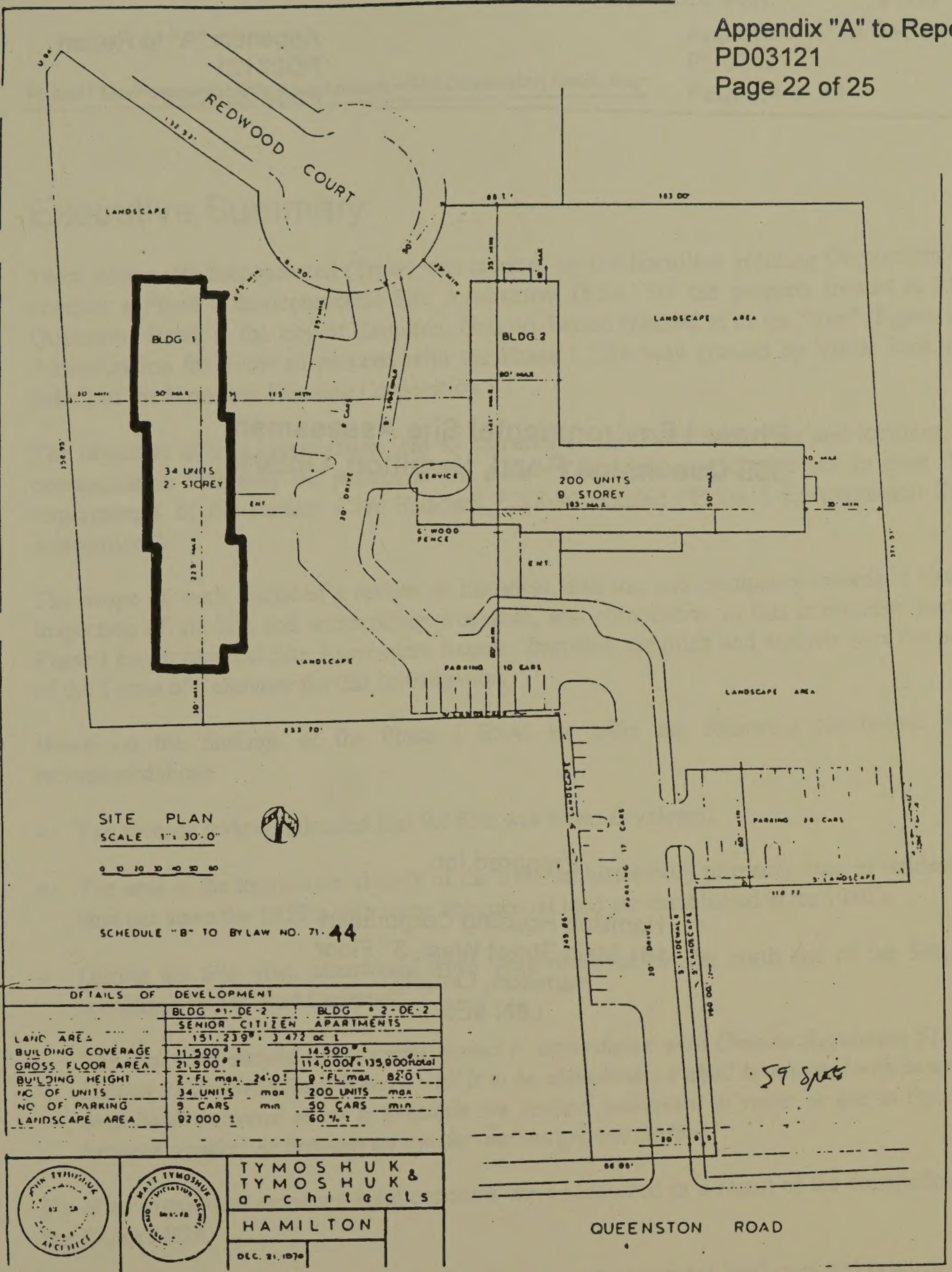
SCHEDULE "A" TO BY-LAW No.- 71 - 44

D.J. Howe
D.J. HOWE ONTARIO LAND SURVEYOR 103 JOHN STREET HAMILTON
DATE JANUARY 28 1971

MARSHALL, MACKLIN and MONAGHAN
ONTARIO LAND SURVEYORS

Drawn by: R.J.P.	Chk by R.C.C.	Scale: 1" = 100'	Dwg. No. L- 724 - A

Appendix "A" to Report PD03121
Page 21 of 25


REDWOOD COURT
LANDSCAPE
BLDG 1
34 UNITS
2 - STOREY
ENT
BLDG 2
200 UNITS
9 STOREY
SERVICE
6' WOOD FENCE
ENT.
LANDSCAPE AREA
LANDSCAPE
PARKING 10 CARS
PARKING 17 CARS
PARKING 20 CARS
20' DRIVE
5' SIDEWALK
5' LANDSCAPE
QUEENSTON ROAD
59 Spots

SITE PLAN
SCALE 1" : 30'-0"

SCHEDULE "B" TO BYLAW NO. 71-44

DETAILS OF DEVELOPMENT		
	BLDG #1 - DE-2	BLDG # 2 - DE-2
	SENIOR CITIZEN	APARTMENTS
LAND AREA	151,239 ° : 3 472 ac ±	
BUILDING COVERAGE	11,500 ° ±	14,500 ° ±
GROSS FLOOR AREA	21,900 ° ±	114,000 ° : 135,900 total
BUILDING HEIGHT	2 - FL max. 24'-0"	9 - FL max. 82'-0"
NO OF UNITS	34 UNITS max	200 UNITS max
NO OF PARKING	9 CARS min	50 CARS min
LANDSCAPE AREA	92 000 ±	60 % ±

TYMOSHUK & TYMOSHUK architects

HAMILTON

DEC. 21, 1970

This is Schedule "B" to By-law No. 71-44 passed the 9th day of February 1971

THE CORPORATION OF THE CITY OF HAMILTON

Bill No. 45

Victor K Copps

Mayor

City Clerk

Phase I Environmental Site Assessment
555 Queenston Road, Hamilton, Ontario

Prepared for:

Hamilton Housing Corporation
181 Main Street West, 3rd Floor
Hamilton, Ontario
L8N 4E5

Trow Associates Incorporated

428 Millen Road
Stoney Creek, Ontario L8E 3N9
Telephone: (905) 664-3300
Facsimile: (905) 662-4144

April 30, 2003
HAEN0067589A

Executive Summary

Trow Associates Incorporated (Trow) was retained by the Hamilton Housing Corporation to conduct a Phase I Environmental Site Assessment (ESA) for the property located at 555 Queenston Road, in the city of Hamilton, Ontario, herein referred to as the "Site" (Figure 1). Authorization for Trow to proceed with the Phase I ESA was granted by Vimal Sarin on behalf of the Hamilton Housing Corporation.

The objective of this investigation was to characterize the likelihood, types and locations of contamination that may be present at the Site. The work was carried out to meet the requirements of the current CSA Standard Z768-94 entitled "Phase I Environmental Site Assessment".

The scope of work included a review of historical land use and occupancy records, a visual inspection of the Site and surrounding properties, and compilation of this information into a Phase I Environmental Site Assessment Report. Intrusive sampling and analysis were not part of the Terms of Reference for this investigation.

Based on the findings of the Phase I ESA, we offer the following conclusions and recommendations:

- The records review indicated that the Site was never developed.
- The area in the immediate vicinity of the Site has historically primarily been in residential land use since the 1950's with some commercial land use established in the 1960's.
- During the Site visit, abandoned wells were observed on the north end of the Site, as confirmed by Mr. Rod Campbell.
- *The well sites should be decommissioned in accordance with Ontario Regulation 612/84 Section 21 which states, "When a well is to be abandoned, it shall be plugged with concrete or suitable material so as to preclude the vertical movement of water or gas in the well between aquifers or between an aquifer and the ground surface".*

No other significant environmental concerns were identified as a result of the completion of the Phase I ESA.

In summary, the Phase I ESA did not identify any past or present land uses and practice that could significantly impact on the property value from an environmental perspective. As a result, there is no requirement for a phase II ESA (i.e. soil and groundwater sampling).

PRELIMINARY PROJECT DEVELOPMENT BREAKDOWN

555 Queenston Road, Hamilton

Date: April 2003
Project Capital Budget, 34 Units (elevatored) Apartment Building

CAPITAL COSTS	Budgeted
Land Acquisition and Servicing	
1. Purchased Price	$0
2. Legal Fees (Land) Severance	$0
3. Title Fees and Transfer Tax	$0
4. Servicing to Site	$25,000
5. Development Charges	$102,000
6. Surveys & ESA 1	$8,000
7. Soil Tests & Geotechnical Investigation	$5,000
8. Interest on Land to Start of Construction	$0
9. Site Upgrade	$19,000
10. TOTAL LAND COST	$159,000
Fees and Charges	
11. Taxes During Construction	$5,000
12. Insurance During Construction	$3,000
13. Architect's Fees	$80,000
14. Legal Fees Other than Land	$8,000
15. Development/Administration Expenses	$20,000
16. Lender's Legal Fees	$0
17. Interest During Construction	$10,000
18. Building Permit Fees	$18,000
19. Other (Audit & GST Appraisal)	$3,000
20. TOTAL FEES AND CHARGES	$147,000
Building	
21. New Construction Elevatored, 2 storey with part basement	$1,150,000
22. Kitchen Appliances	$45,000
23. Furnishings & Equipment	$8,000
24. TOTAL BUILDING	$1,203,000
25. G.S.T.	$47,523
26. Contingency	$75,000
27. TOTAL CAPITAL COSTS	**$1,631,523**

SECTION 12

CITY WIDE IMPLICATIONS

12.1

CITY OF HAMILTON

PUBLIC HEALTH AND COMMUNITY SERVICES DEPARTMENT
Program Policy and Planning

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joe-Anne Priel, General Manager
Date:	1-May-03	**Prepared by:**	Mark Weingartner 540-6095 Jane Soldera 546-2399

SUBJECT: **2003 National Child Benefit Interim Strategy - July to December (City Wide) (SPH02016b)**

RECOMMENDATION:

(a) That the City of Hamilton's 2003 National Child Benefit (NCB) Interim Strategy – July to December, be approved.

(b) That the approved Interim Strategy be submitted to the Ministry of Community, Family and Children's Services.

(c) That staff be authorized to redirect funds within the approved 2003 National Child Benefit Interim Strategy – July to December, as expenditures and needs change.

(d) That staff submit a comprehensive NCB report to council in the Fall of 2003 including the following:
  i) Outcomes of the NCB Review and Consultation
  ii) Strategic NCB funding priorities for the City of Hamilton
  iii) Recommendations for 2004 NCB.

Joe-Anne Priel, General Manager
Public Health and Community Services

EXECUTIVE SUMMARY:

The National Child Benefit Supplement (NCBS) is part of the Canada Child Tax Benefit (CCTB). The CCTB is a basic benefit issued to 80% of Canadian families, while the NCBS is targeted at low-income families. The Province of Ontario requires that the NCBS portion be deducted from the benefits received by families in receipt of Ontario Works and Ontario Disability Support Program.

Municipalities are required to reinvest these dollars in programs, benefits and services that meet stated NCB objectives, namely:

- to prevent and reduce the depth of child poverty
- to promote parental labour market attachment by ensuring that families will always be better off as a result of working
- to reduce overlap and duplication of programs and services.

As well as these provincial objectives, municipalities must develop reinvestment strategies that meet local needs and priorities.

In November 2003, Council approved the 2003 NCB Interim Strategy (SPH02016a) which allocated funds to the Public Health and Community Services Department (PHCS) and local agencies for 6 months (January to June 2003) pending the outcome of a review and community consultation. The purpose of the NCB review and consultation is to examine current internal and community-based services funded through municipal NCB Reinvestment, assess how these programs and services meet NCB objectives and overall community needs, and identify gaps and priorities. This review will generate recommendations and direct the planning process for future NCB strategies.

A consultant has been hired to work with PHCS staff to complete the internal and community consultation (May and June). This consultation will include city councillors and staff, service providers, community stakeholders and families in Hamilton. Following completion of the consultation, staff will submit a 2003 National Child Benefit Review and Consultation report in the Fall of 2003.

NCB Interim Strategy – July to December 2003

In November 2002, staff submitted a 6-month interim NCB strategy for the period January to June 2003 (see SPH02016a). The allocation of funds in this strategy was determined in the following manner:

- Individual strategies were approved 2002 carryover if required.
- All strategies were allocated 6 months of 2003 funds based on their 2002 funding levels and programming requirements.

Due to the consultation process being delayed, staff are recommending that the interim strategy be continued and that programs be funded to the end of the year. Funding requirements vary. Several programs are able to operate for the balance of 2003 based on 2002 carryover and/or their January to June allocation. These programs have not been allocated additional funding for July to December 2003. Other programs require additional funding to enable them to operate to the end of the year. Extending the existing interim strategy until the end of 2003 (see Appendix A) would minimize local service disruption, provide stability, and allow ongoing program management.

The proposed strategy is consistent with previous NCB reinvestment by the City: 51% PHCS programs and 49% community programs. The Ministry of Community, Family and Children's Services estimates $2,635,793 in total 2003 funding in addition to $2,323,000 from 2002 carry-over. Therefore total investment in 2003 will be $4,958,966.

BACKGROUND:

The Province of Ontario stipulates that municipalities cannot reinvest NCB savings by simply re-issuing those dollars directly to social assistance recipients. Municipalities must create new programs or enhance existing ones.

Since 1998, the City of Hamilton has allocated NCB reinvestment funds through 3 main channels. They are as follows:

- a community based NCB grants process
- community based program enhancements or new programs (e.g. GROW, Women without Boarders, YWCA Resource Centre)
- internal program enhancements or new programs (e.g. Injury Prevention Projects, Pediculosis, Emergency Shelter/Utility Funds, Homeless Youth Basic Needs, Community Health Bus)

Many internal and community based programs rely on NCB to sustain or augment existing services or to fund new ones.

ANALYSIS OF ALTERNATIVES:

The City is mandated by the Province to spend funds according to stated objectives, including local need. The proposed consultation and comprehensive review will determine how well the City is meeting those objectives, hence no other alternative course of action is necessary at this time.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no new financial, staffing or legal implications associated with this report. The Ministry of Community, Family and Children's Services estimates $2,635,793 in total 2003 funding in addition to $2,323,000 from 2002 carry-over. Therefore total investment in 2003 will be $4,958,966.

POLICIES AFFECTING PROPOSAL:

No existing policies are affected by this proposal.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The following City departments were consulted: Program Policy and Planning Division, Culture and Recreation Division, Parent and Child, Lifestyles and Youth, Community Programs, Benefit Eligibility, Employment and Income Support branches of PHCS.

CITY STRATEGIC COMMITMENT:

The proposed 2003 NCB Strategy and Review supports the City's Vision of itself as a city of diverse communities which, together with staff, spend wisely and governs in an open and accessible manner. It aligns with the City's Mission to turn this Vision into a reality. Furthermore it promotes the values of fiscal accountability, integrity, respect, and compassion. It also extends the values inherent in Vision 2020 as well as the Social Development Strategy, particularly the proposed children and families flagship.

Appendix A (SPH02016b)
City of Hamilton
2003 National Child Benefit Interim Strategy (July to December)

Type: Continuing, New, One-Time	Name	Proposed Lead Agency	Description	Recommended July to December 2003	Total 2003 Allocation
Due to operational and programming requirements, the following strategies have been allocated 85% of what was allocated for January to June 2003, for the balance of the year (July to December):					
Continuing	Learning Earning and Parenting (LEAP)	PHCS	Learning, Earning and Parenting is a Provincial initiative to provide childcare subsidies and other supports to help young single parents on social assistance finish high school. This program which originally began in 1999, is cost shared with the Province of Ontario on an 80%/20% basis. The NCB funding accounts for the City's 20% share.	**$204,000.**	**$463,999.**
Continuing	Employment Strategies	Various Agencies	Employment support programs for youth and/or sole support parents with children have been vital to promoting attachment to the workforce. In the City of Hamilton, reinvestment of NCB savings will be directed to supporting such initiatives including Employment Related Expenses. Specifically, the following programs will be funded in 2002: • Women Without Borders (Catholic Family Services) • New Choices (Salvation Army) • Alcohol, Drug and Gambling Services (PHCS) • YWCA Resource Room (YWCA)	**$144,839.**	**$315,238.**
Continuing	Emergency Child Care	PHCS	The emergency child care program is for parents on social assistance in situations when children are ill and can not attend day care or school.	**$5,383.**	**$11,716.**
Continuing	Layettes	PHCS	Layettes for new-born children of families on Ontario Works will be cost shared with the Province on an 80%/20% basis with the use of NCB savings.	**$20,960.**	**$45,626.**
Continuing	GROW Giving Recreational Opportunities for Wellness (formerly YSAN Subsidized	YMCA	The GROW Subsidized Recreation Program provides subsidized cultural/recreational experiences for children/youth whose parent(s) are in receipt of social assistance. Since 1999, the City has funded this highly successful program with NCB savings.	**$243,473.**	**$529,912.**

Type: Continuing, New, One-Time	Name	Proposed Lead Agency	Description	Recommended July to December 2003	Total 2003 Allocation
	Recreation Program)				
Continuing	Family Resource Centre Coordination Project (Enhanced Resource)	Community Resource Centres	Funding will enhance the unique role Family Resource Centres play in the continuum of services to children and families. To maximize the potential in this sector, this funding will be used to augment funding to Family Resource Centres in the City of Hamilton with a co-ordinator position to ensure equitable access at all Family Resource Centres. This project also enhances existing programs and allows for extended hours of service.	**$113,050.**	**$246,050.**
Continuing	Healthy Babies/Healthy Children	PHCS	The Healthy Babies/Healthy Children program is recommended to strengthen the role of staff in order to provide better outreach to support vulnerable families and build community capacity. In partnership with the Family Resource Centre and the project co-ordinator, there is an increased access to public health nurses and home management staff for the community.	**106,703.**	**$232,236.**
Continuing	Injury Prevention (0-6 years)	PHCS	This funding addresses some of the barriers to parental participation in important community health, support, or parenting programs available through the Healthy Babies/ Healthy Children Program and also addresses issues related to injury prevention for children. Under this program, parent(s) who may not be able to purchase a new infant/child car seat which complies with all federal safety standards will be able to receive this item including an educational program that will provide them information on proper usage of the infant/child car seats. Other injury prevention items such as bike helmets for children and other safety items such as window latches, safety gates, etc. will also be considered.	**$80,608.**	**$175,441.**
Continuing	Injury Prevention (School Age)	PHCS	Same as previous strategy, but targets school age children.	**$75,225.**	**$163,725**
Continuing	Women Alive	YWCA	This is an affordable physical activity program, designed to provide aerobics, aquafit, transportation, child minding, health information, and social interaction for low-income women.	**$8,195.**	**$17,835.**

Type: Continuing, New, One-Time	Name	Proposed Lead Agency	Description	Recommended July to December 2003	Total 2003 Allocation
			The objective is to increase physical health, and self esteem with the goal of reduced health costs and potential for greater self-sufficiency.		
Continuing	Dental 2 for 2	PHCS	The '2 for 2' campaign is a health communication campaign focusing on the promotion of skills development and awareness of dental health practices for families. The message "2 for 2 is What You Do" stresses the importance of brushing teeth for 2 minutes at least twice each day as an important component for optimum dental health. Research has shown that less than half of Canadian youth follow this recommendation. This initiative targets Grade 2 children attending schools. Incentive items (toothbrushes, timers, bookmarks, magnets, stickers, t-shirts, colouring sheets, etc) would be included in the handout packages along with print materials and handouts for participants as a means for skill retention at home.	**$5,666.**	**$12,332.**
Continuing	Heat Alert/Cold Alert Initiatives	PHCS	Outreach staff from the Mental Health/Outreach Team assist individuals (youth, families) on the streets to access shelter during both heat and cold alerts. The Outreach staff are the only service providers on the streets in the City. On a daily basis Outreach staff connect with children, youth, and families living in poverty through their work on the streets and in the shelters. Staff visit parks and known locations where homeless individuals may stay (children, youth, adults and families) but there are no operating costs to provide hats, gloves, water, sunscreen or other supplies to families in a heat alert or cold alert.	**$10,483.**	**$22,816**
The following Strategies have been allocated less than 85% of what was allocated for January to December 2003, because staff administering the program indicated that they have sufficient funds for the balance of the year:					
Continuing	National Child Benefit Reinvestment Grant Program	Various Community Agencies	The NCB Reinvestment Grant Program was initiated to provide opportunities for community agencies to partner with the City to deliver programs that would fulfil the objectives of the NCB program.	**$255,000.**	**$580,833.**
Continuing	Temporary Care	PHCS	There are approximately 250 temporary care cases (formerly	**$0**	**$25,599.**

Type: Continuing, New, One-Time	Name	Proposed Lead Agency	Description	Recommended July to December 2003	Total 2003 Allocation
	Worker		called foster care) on Ontario Works. A temporary care worker would conduct home visits with families who have a temporary care child in their care and conduct basic needs assessments to facilitate access to all required community supports.		
Continuing	Community Health Bus	PHCS	This program will provide health and preventative dental care and treatment to children, youth and their families who face barriers to receiving these services within the downtown core. A 1985 Hamilton Street Railway transit bus has been retrofitted to deliver these services as well as provide mobile access to information on employment and other health related services.	**$0**	**$239,236.45**
Continuing	Early Years Challenge Fund	PHCS	The Province of Ontario's Early Years Challenge Fund (developed in response to recommendations from the Early Years Study) will provide communities with funding to implement Local Action Plans aimed at providing all young children and their families with access to early child development and parenting programs in their neighbourhoods. Provincial funds will match contributions from local communities, business, and charitable and voluntary sectors.	**$0**	**$240,033.**
Continuing/ One-time for 2002/03	Child Care Unmet Needs	PHCS	Unmet needs were identified in the Child Care Service Management Plan. In particular, one-time expenditures for health and safety needs and for accessibility for diverse cultural groups could be accommodated with these funds. Some examples of items that might be funded include playground equipment replacement and the purchase of program materials.	**$0**	**$631,336.**
Continuing	Nutritious Food Basket OW Top Up	PHCS	This program increases the special diet amount for lactating Ontario Works participants to meet the associated increased nutritional costs, based on the 2001 Nutritious Food Basket. The report, Nutritious Food Basket - SPH01022(a) Special Diet Supplement for Lactating Ontario Works Participants, was approved by Council on February 27th, 2002.	**$0**	**$6,666.**

Type: Continuing, New, One-Time	Name	Proposed Lead Agency	Description	Recommended July to December 2003	Total 2003 Allocation
Continuing	Pediculosis Project	PHCS	This program, ideally including both the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Catholic District School Board schools, will be restricted to 5-8 of the lowest income/highest pediculosis incidence schools. This strategy will offer twice-weekly head lice clinics, pediculosis education, demonstration of treatment, and discounted pediculocide shampoo and pediculosis combs.	**$11,000.**	**$50,999.**
Continuing	Emergency Shelter/Utility Fund	Community Agency	It was recommended that a shelter and/or utility fund be established to meet the needs of families with children and youth that are homeless, or at risk of becoming homeless. A co-ordinated effort to issue funds for heat, hydro, and emergency rent for families/youth at risk of becoming homeless, or to help re-establish housing in the community will begin in 2002. This process and partnering with community agencies will be developed throughout 2002, and continue into the strategic planning of the overall 2003 Strategy.	**$0**	**$783,000.**
Continuing	Administration Costs	PHCS	The Ministry of Community, Family and Children's Services acknowledges an administrative component to develop and mange the Reinvestment Strategy. The City of Hamilton had not utilized this until the middle of 2002. As the strategy has evolved, existing staff can no longer absorb the workload of ensuring accountability of the strategies, and the Ministry reporting requirements. Administration funding costs will be used to fund staff positions to monitor and administrate the 2002 strategy, as well as implementing the review and planning process for 2003. This also includes the cost of hiring a consultant to assist with the review and consultation.	**$26,400.**	**$100,000**
The following Strategies were allocated funds for all of 2003 in the January to June Interim Strategy, therefore no additional funds allocated at this time:					
Continuing	Homeless Youth - Basic Needs	PHCS	Staff on the Mental Health/Outreach Team interact with homeless youth on the streets on a daily basis. Within the Outreach Team are designated Family and Youth Workers. Socks, new underwear and feminine hygiene products are not usually available at the free clothing store or at the youth shelter.	**$0**	**$2,100**

Type: Continuing, New, One-Time	Name	Proposed Lead Agency	Description	Recommended July to December 2003	Total 2003 Allocation
Continuing	Youth Troupe - Homeless	PHCS and Housing Help Centre	Youth Theatre Troupe will be established in Hamilton using homeless youth and youth living in poverty as the performers. A few productions have been developed through the combined effort of the Mental Health/Outreach Team and Housing Help Centre. Housing Help Centre has staff with a drama background and the Outreach Team have staff that work specifically with youth that are homeless and/or living in poverty. Theatre techniques will be used to provide homeless youth with an opportunity to express their feelings, learn new skills and eventually earn a small income from their efforts. The intent is that the program becomes self-sustaining. The productions would educate other youth, and staff from social and health services about the impact of homelessness and poverty on youth and the family.	**$0**	**$8,750**
New One-time	OW One-time Initiative Fund	PHCS	This one-time initiative fund is targeted to provide urgent short-term supports to Ontario Works (OW) participants.	$0	$50,000.
			Total	$1,360,985.00	$4,955,478.45

2003 NCB Carryover	$2,323,170.41
Ministry Estimate for 2003 NCB Savings	$2,635,796.00
Total 2003 NCB Available	$4,958,966.41
Total Allocation for 2003	$4,955,478.45
Unallocated for 2003	$3,487.96

SECTION 13

AFFECTS WARD 10

CITY OF HAMILTON

13.1

PUBLIC WORKS DEPARTMENT
Capital Planning & Implementation Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	April 29, 2003	**Prepared by:**	Bill Baxter Extension 2806

SUBJECT: **Tree Removal Request - Worsley Road, Federal Street, Red Oak Avenue and Hemlock Street (PW03049) - (Ward 10)**

RECOMMENDATION:

That the existing trees, as shown on the attached Tree Inventory (Appendix 'A') be approved for removal to facilitate the watermain replacement and road and sidewalk construction on:

(i) Worsley Road from Highway 8 to Hemlock
(ii) Federal Avenue from Deerhurst to Millen
(iii) Red Oak Avenue from Deerhurst to Millen
(iv) Hemlock Street from Deerhurst to Millen, in the City of Hamilton

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

The removal of (9) nine trees on Worsley Road, Federal Avenue, Red Oak Avenue and Hemlock Street is needed to facilitate the construction of the watermain and road and sidewalk. These trees are in a varied state of decline and/or in poor condition as noted on the attached tree inventory prepared by City forestry staff. Council approval is being sought at this time to remove the trees in order to facilitate the proposed construction.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 10.

Contract TOE-02-61 (HSW) which includes watermain and sanitary sewer replacement, storm sewer, road and sidewalk construction on Worsley Road, Federal Avenue, Red Oak Avenue and Hemlock Street, was tendered and awarded in accordance with Purchasing Policy No. 6.

This co-ordinated watermain, sewer and road construction project will serve to upgrade deficient watermain infrastructure, thereby improving the supply of potable water to area residents. In addition, the sanitary sewer replacement and storm sewer construction will reduce the risk of future flooding in the area.

The existing roads are rural in nature, with open ditches and have no sidewalks. Proposed construction will provide curb and gutters, sidewalks and a new asphalt road surface.

In order to construct the road and sidewalks and replace the existing watermain, nine (9) trees require removal and an additional twenty-six trees (26) will require trimming. The trees scheduled for removal are expected to sustain heavy root damage as a result of the watermain replacement and road and sidewalk construction.

City forestry staff has provided a condition review of these trees and is in agreement with the removal recommendations in this report. Forestry staff has also contacted the owners of the lands adjacent to the trees to be removed and the owners are in general agreement with the removals. However, Forestry staff will contact the owners again, prior to actual removal.

ANALYSIS OF ALTERNATIVES:

In order to avoid the removal of the trees we would have to eliminate the construction of curbs and gutters and the sidewalk construction.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There is sufficient appropriation in Capital Budget Number 4030119101 (Worsley, Federal, Red Oak and Hemlock Street - Road Construction) to fund the cost of tree trimming, removal and replacement value, estimated at $13,750.

POLICIES AFFECTING PROPOSAL:

Council approval is being sought in accordance with the provisions of the former City of Hamilton Tree By-law number 92-155.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

City forestry staff were consulted in the preparation of this report and are in agreement regarding the existing condition and proposed remediation of the trees as outlined in the attached tree inventory. All affected homeowners were consulted and are in agreement with the proposed removal of the trees outlined in the attached tree inventory.

CITY STRATEGIC COMMITMENT:

The trimming and removal of the trees as outlined in the attached Tree Inventory, will facilitate the construction of the replacement watermain and road and sidewalk construction. This will assist in Council's strategic goal of a healthy, safe and green City by investing in safe water for today and tomorrow to ensure reliable and safe sources of drinking water for area residents.

Appendix ‘A’ - PW03049 *Tree Inventory For Worsley Rd., Federal St., Red Oak Ave and Hemlock St.- Stoney Creek*

TREE NUMBER	LOCATION	SPECIES	CONDITION	ACTION	REPLACEMENT VALUE
1	#15 Worsley Rd.	8' dia. Cedar Tree	75% dead	Remove	N/A
2	#15 Worsley Rd.	24" dia. Catalpa Tree	Good	Trim to raise up	N/A
3	#16 Worsley Rd.	20" dia. Linden Tree	Good	Trim to raise up	N/A
4	#21 Worsley Rd.	18" dia. Silver Maple Tree	Good	Trim to raise up	N/A
5	#23 Worsley Rd.	12" dia. Blue Spruce Tree	Fair	Trim to raise up	N/A
6	#24 Worsley Rd.	8" dia. Ash Tree	Good	Trim to raise up	N/A
7	#27 Worsley Rd.	24" dia. Silver Maple Tree	Good	Trim to raise up	N/A
8	# 36 Worsley Rd.	18" dia. Ash Tree	Good	Trim to raise up	N/A
9	#42 Worsley Rd.	20" dia. Silver Maple Tree	Good	Trim to raise up	N/A
10	#42 Worsley Rd.	24" dia. Silver Maple Tree	Good	Trim to raise up	N/A
11	#43 Worsley Rd.	28" dia. Silver Maple Tree	Good	Trim to raise up	N/A
12	#43 Worsley Rd.	8" dia. Blue Spruce Tree	Fair	Trim to raise up	N/A
13	#46 Worsley Rd.	6" dia. Oak Tree	Good	Trim to raise up	N/A
14	#47 Worsley Rd.	14" dia. Sugar Maple Tree	Good	Trim to raise up	N/A
15	#47 Worsley Rd.	6" dia. Cedar Tree	Good	Trim to raise up	N/A
16	#48 Worsley Rd.	20" dia. Silver Maple Tree	Good	Trim to raise up	N/A

Tree Inventory For Worsley Rd., Federal St., Red Oak Ave and Hemlock St.- Stoney Creek

TREE NUMBER	LOCATION	SPECIES	CONDITION	ACTION	REPLACEMENT VALUE
17	#49 Worsley Rd.	8" dia. Crab Apple Tree	Good	Trim to raise up	N/A
18	#51 Worsley Rd.	8" dia. Crab Apple Tree	Good	Trim to raise up	N/A
19	#54 Worsley rd.	Two 16" dia. 35' High Blue Spruce Trees	Good	Lower branches on southerly tree to be trimmed only !!	N/A
20	#61 Worsley Rd.	Two16" dia. Manitoba Maple Trees	Fair	Trim to raise up	N/A
21	#79 Worsley Rd.	22" dia. Ash tree	Good	Trim to raise up	N/A
22	#27 Worsley Rd. on South Side of Federal St.	Four 20" dia. 25' high Spruce Trees	Fair	Trim to raise up	N/A
23	#382 Federal St.	26" dia. Silver Maple Tree	Good	Trim to Specifications	N/A
24	#389 Federal St.	18" dia. Manitoba Maple Tree	Poor	Remove	$ 450.00 Reflects Condition
25	.#389 Worsley Rd.	20" dia. Manitoba Maple Tree	Poor	Remove	$ 450.00 Reflects Condition
26	#389 Worsley Rd.	16" dia. Manitoba Maple Tree	Poor	Remove	$ 450.00 Reflects Condition
27	#199 Millen Rd. on North side of Federal St.	18" dia. Manitoba Maple Tree	Poor	Remove	$ 450.00 Reflects Condition
28	#365 Red Oak Ave.	Various Under Brush & Cedar Trees	Fair	Trim Up	N/A
29	#51 Worsley Rd. on South Side of red Oak Ave.	12" dia. Tri Stemmed Apple Tree	Poor	Remove	$ 450.00 Reflects Condition
30	#385 Red Oak Ave.	8" dia. Yew Shrub	Visibility Hazard	Remove	N/A

TREE NO	LOCATION	SPECIES	CONDITION	ACTION	REPLACEMENT VALUE
31	#389 Red Oak Ave.	12" dia. Silver maple Tree	Good	Remove	$ 450.00 Reflects Condition
32	#393 Red Oak Ave.	14" dia. Silver Maple Tree	Good	Trim to raise up	N/A
33	#397 Red Oak Ave.	28" dia. Silver Maple Tree	Good	Trim To Specifications & Remove Limb Over Road	N/A
34	#377 Hemlock Ave.	12" dia. Sugar Maple Tree	Good	To be protected during construction	N/A
35	#385 Hemlock Ave.	16" dia. Linden Tree	Good	Trim to raise up	N/A
36	#392 Hemlock Ave.	24" dia. Silver Maple Tree	Good	Trim to raise up	N/A
37	#253 Millen Rd. on North Side of Hemlock Ave.	16" dia. Silver Maple Tree	Good	Remove to accommodate new sidewalk	$ 450.00 Reflects Condition

AFFECTS
WARDS 7 & 8

CITY OF HAMILTON

13.2

PUBLIC WORKS DEPARTMENT
Operations & Maintenance Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	April 29, 2003	**Prepared by:**	S. Russell Extension 5660

SUBJECT: Two-Way Left Turn Lane and Bicycle Lane Designation - Upper Paradise Road and Upper James Street (PW03054) - (Wards 7and 8)

RECOMMENDATION:

(a) That a two-way left turn lane, with dedicated left turn lanes at the intersections, be implemented in the centre lane of Upper Paradise Road from Mohawk Road West to Rymal Road West;

(b) That northbound and southbound reserved bicycle lanes be implemented on Upper Paradise Road between Mohawk Road West and Stone Church Road West;

(c) That a two-way left turn lane, with dedicated left turn lanes at the intersections, be implemented in the centre lane of Upper James Street from the LINC to Stone Church Road West;

(d) That the by-law outlined in Report PW03054 as Appendix A to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

The South Mountain Area Transportation Master Plan identified deficiencies and safety concerns on the section of Upper Paradise, south of Stone Church, and recommended that this section of roadway be reconstructed and widened to three lanes. Reconstruction of this roadway to accommodate a three lane cross-section began in 2002 and will be completed this year.

The study also identified an opportunity to improve the safety and enhance the streetscape on Upper Paradise between Mohawk and Stone Church by reducing the number of lanes from four to three. Staff recommends that this section of Upper Paradise be repainted to a three lane cross-section this year with the provision of a two-way left turn lane and designated bike lanes. The implementation of bike lanes on Upper Paradise has also identified in the report Shifting Gears – A New Cycling Plan for Hamilton-Wentworth.

The cross-section of Upper James Street was modified last year to include a two-way left turn lane. The subject change was implemented during reconstruction and widening of the subject road in an effort to reduce the congestion and number of collisions in this area. This section of road was also identified in the South Mountain Area Transportation Master Plan.

BACKGROUND:

The information/recommendations contained within this report primarily affects Wards 7 and 8.

The South Mountain Area Transportation Master Plan is a guide for the construction of transportation infrastructure over the next twenty years. The study reviewed existing and future transportation concerns, existing and forecasted traffic volumes, road safety, and road condition.

Upper Paradise Road between Stone Church Road West and Rymal Road West

Upper Paradise, south of Stone Church was a rural two-lane asphalt road. Residential development is occurring on both sides of the roadway. St. Thomas More Catholic Secondary School, located mid-block on the east side of the road, has been encountering congestion problems in the morning peak period.

The South Mountain Area Transportation Master Plan advised that reconstructing and widening this section of road to accommodate a three lane cross-section would resolve the deficiencies in the road condition. A two-way left turn lane would improve accessibility to all land uses, and thereby improve safety.

The section between Stone Church and Rickview was reconstructed in 2002 to a three lane cross-section which included the provision of a two-way left turn lane. The remaining section is scheduled for reconstruction this year. Staff recommends that a by-law be approved to support these changes.

Upper Paradise Road between Stone Church Road West and Mohawk Road West

The South Mountain Area Transportation Master Plan study identified a potential to improve safety and an opportunity to improve the streetscape at a relatively low cost. Re-painting this section of Upper Paradise from four to three lanes with the designated bike lanes would have a moderating effect on the street. It is anticipated that these changes would slow traffic and make the road more pedestrian and cyclist friendly.

The addition of marked bike lanes would consolidate the bike network on the west end of the Mountain and enhance the escarpment crossing points west of Upper Paradise on Scenic and at the north end of Garth.

The South Mountain Transportation Master Plan states that long term forecasted traffic volumes (year 2021) are estimated to increase by approximately 15 % and that with these volumes, the level of service of traffic flow is expected to be satisfactory.

Staff recommends that this section of Upper Paradise be repainted as a three lane roadway with a two-way left turn lane and the provision of signed and painted designated bike lanes.

Upper James Street between Rymal Road and the LINC

Upper James is a major north-south commuter route and commercial area. Upgrading the section between the LINC and Stone Church to a five lane cross-section has improved traffic operations and is consistent with the sections to the north and south. The subject upgrade was identified in the South Mountain Area Transportation Master Plan and was reconstructed in late 2002 to a cross-section that included a two-way left turn lane. Approval of the by-law outlined in Report PW03054 is required to support these changes.

ANALYSIS OF ALTERNATIVES:

Existing traffic conditions warranted the reconstruction and widening of Upper Paradise and Upper James. Alternative painting schemes would have been less safe and less efficient.

Re-painting Upper Paradise, north of Stone Church to three lanes has the potential to improve safety and improve the streetscape at a relatively low cost. The implementation of designated bicycle lanes integrates Upper Paradise into the bike network and is supported by the Shifting Gears - A New Cycling Plan for Hamilton-Wentworth report.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available in the 2003 budget to cover the cost of the subject modifications.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

The three locations discussed in this report were identified in the South Mountain Area Transportation Master Plan as areas with the potential for improved road safety. The implementation of designated bicycle lanes encourages the use of bicycles and promotes using a “green mode” of transportation. The subject modifications are in keeping with the City’s goal for a safe and healthy community.

Appendix A
Report PW03054

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. 03-

To Amend By-law No. 01-215 Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 13 (Designated Traffic Lanes) of By-law No. 01-215, as amended, is hereby further amended by deleting from Section "E" thereof the following item, namely:

Upper James	225 ft. south of Hester and 185 ft. north of Limeridge	Centre Lane	Anytime	Southerly to Easterly and Northerly to Westerly
Upper James	274 m north of Rymal to 505 m north of Rymal	3rd lane from east curb	3rd lane from east curb	Northerly to Westerly and Southerly to Easterly
Upper Paradise	Stone Church and 126 feet north	West	Anytime	Southerly to Westerly”

and by adding to Section "E" thereof the following items namely:

Upper Paradise	60m south of Mohawk to 35m north of Hadeland	Centre Lane	Anytime	Northerly to Westerly and Southerly to Easterly
Upper Paradise	35m south of Hadeland to 35m north of Trevi	Centre Lane	Anytime	Northerly to Westerly and Southerly to Easterly
Upper Paradise	35m south of Trevi to 60m north of Stone Church	Centre Lane	Anytime	Northerly to Westerly and Southerly to Easterly
Upper Paradise	60m south of Stone Church to 65m north of Rymal	Centre Lane	Anytime	Northerly to Westerly and Southerly to Easterly
Upper James	70m south of Hester to 75 m north of Linc westbound off ramp	Centre Lane	Anytime	Northerly to Westerly and Southerly to Easterly
Upper James	60m north of Stone Church to 60 m south of Linc eastbound off ramp	Centre Lane	Anytime	Northerly to Westerly and Southerly to Easterly
Upper James	55m north of Regina to 65m south of Stone Church	Centre Lane	Anytime	Northerly to Westerly and Southerly to Easterly
Upper James	60m south of Regina to 35m north of Delta	Centre Lane	Anytime	Northerly to Westerly and Southerly to Easterly

Schedule 18 (Bicycle Lanes) of By-law No. 01-215, as amended, is hereby further amended by adding from Section "E" thereof the following item, namely:

Upper Paradise	160m south of Mohawk to Stone Church	East curb lane	Anytime	Northbound
Upper Paradise	160m south of Mohawk to Stone Church	West curb lane	Anytime	Southbound
Upper Paradise	Trevi to 15m south	3rd lane from east curb	Anytime	Northerly to westerly
Upper Paradise	Trevi to 15m north	3rd lane from west curb	Anytime	Southerly to easterly

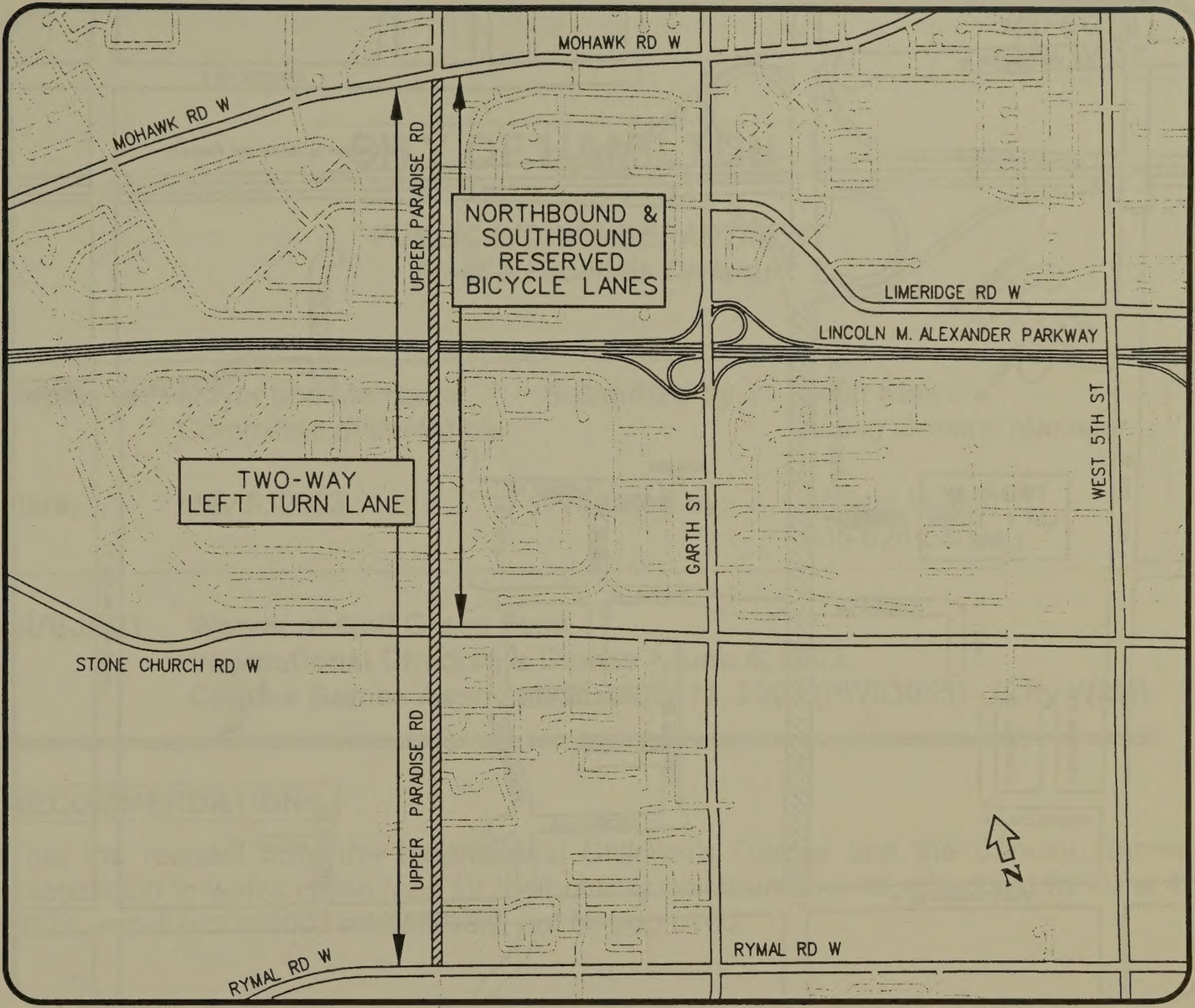
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

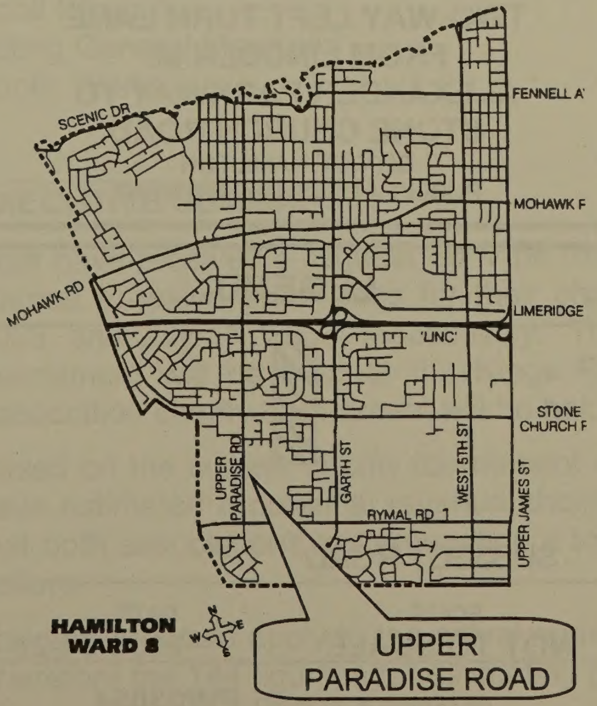
PASSED and ENACTED this day of , 2003

MAYOR

CLERK


MOHAWK RD W
MOHAWK RD W
UPPER PARADISE RD
NORTHBOUND & SOUTHBOUND RESERVED BICYCLE LANES
LIMERIDGE RD W
LINCOLN M. ALEXANDER PARKWAY
TWO-WAY LEFT TURN LANE
GARTH ST
WEST 5TH ST
STONE CHURCH RD W
UPPER PARADISE RD
N
RYMAL RD W
RYMAL RD W

KEY MAP


SCENIC DR
FENNELL A
MOHAWK F
MOHAWK RD
LIMERIDGE
'LINC'
STONE CHURCH F
UPPER PARADISE RD
GARTH ST
WEST 5TH ST
UPPER JAMES ST
RYMAL RD
HAMILTON WARD 8
N
W
UPPER PARADISE ROAD

LOCATION PLAN

UPPER PARADISE ROAD

- **TWO-WAY LEFT TURN LANE FROM MOHAWK RD W TO RYMAL RD W**
- **RESERVED BICYCLE LANES FROM MOHAWK RD W TO STONE CHURCH RD W**

CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

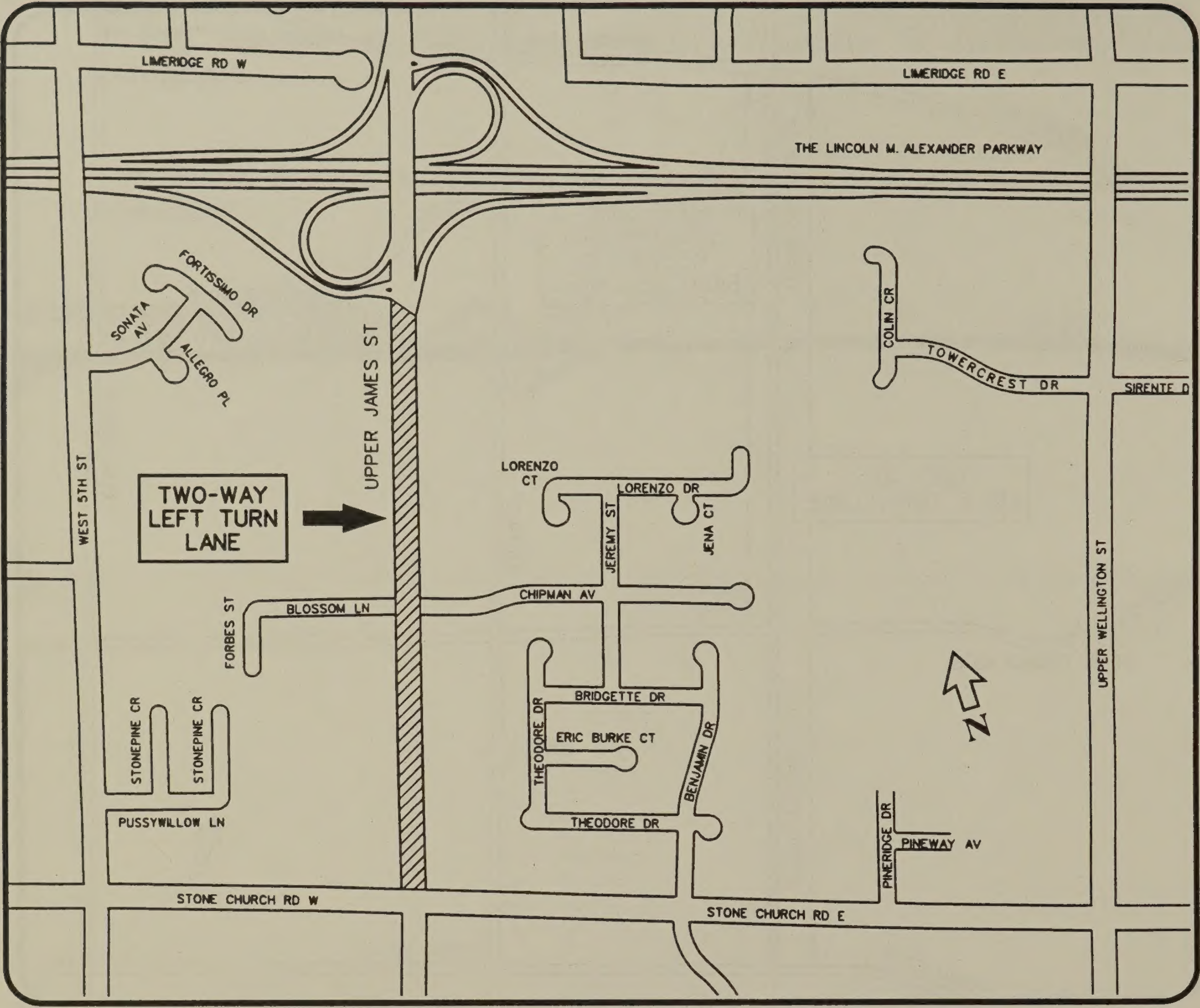
LEGEND

▨

SUBJECT ROAD

SCALE	DATE
NOT TO SCALE	**2003-04-29**

REFERENCE FILE NO: **PW03054**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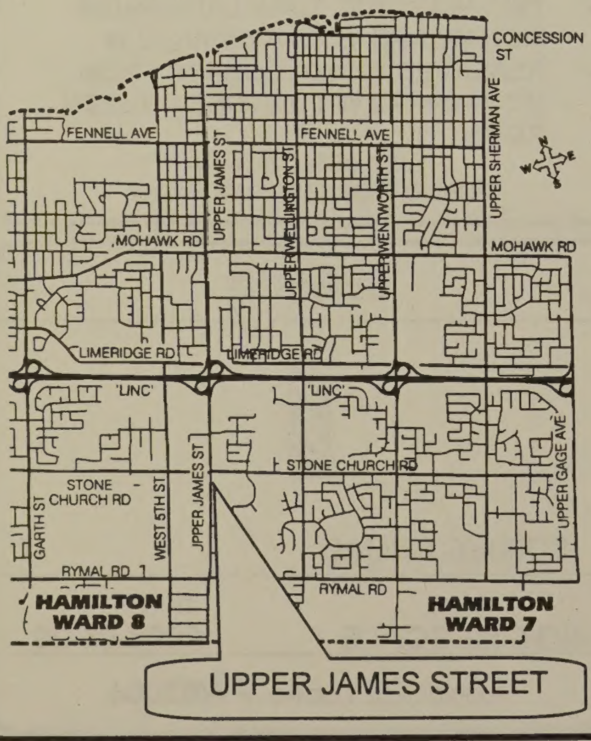
LIMERIDGE RD E
THE LINCOLN M. ALEXANDER PARKWAY
FORTISSIMO DR
SONATA AV
ALLEGRO PL
UPPER JAMES ST
COLIN CR
TOWERCREST DR
SIRENTE D
WEST 5TH ST
TWO-WAY LEFT TURN LANE
LORENZO CT
LORENZO DR
JEREMY ST
JENA CT
UPPER WELLINGTON ST
FORBES ST
BLOSSOM LN
CHIPMAN AV
BRIDGETTE DR
ERIC BURKE CT
THEODORE DR
BENJAMIN DR
THEODORE DR
N
STONEPINE CR
STONEPINE CR
PUSSYWILLOW LN
PINERIDGE DR
PINEWAY AV
STONE CHURCH RD W
STONE CHURCH RD E

KEY MAP


CONCESSION ST
FENNELL AVE
FENNELL AVE
UPPER JAMES ST
UPPER WELLINGTON ST
UPPER WENTWORTH ST
UPPER SHERMAN AVE
N
E
W
S
MOHAWK RD
MOHAWK RD
LIMERIDGE RD
LIMERIDGE RD
'LINC'
'LINC'
STONE CHURCH RD
STONE CHURCH RD
UPPER GAGE AVE
GARTH ST
WEST 5TH ST
UPPER JAMES ST
RYMAL RD
RYMAL RD
HAMILTON WARD 8
HAMILTON WARD 7
UPPER JAMES STREET

LOCATION PLAN

UPPER JAMES STREET
TWO-WAY LEFT TURN LANE
FROM LINCOLN M.
ALEXANDER PARKWAY TO
STONE CHURCH ROAD
CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

LEGEND

▨

SUBJECT ROAD

SCALE	DATE
NOT TO SCALE	**2003-04-29**

REFERENCE FILE NO: **PW03054**

AFFECTS CITY WIDE

CITY OF HAMILTON

13.3

PUBLIC WORKS DEPARTMENT
Fleet & Facilities Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	May 5, 2003	**Prepared by:**	William Moffatt 905-628-5507

SUBJECT: Waiver of Golf Green Fees
International Children's Games - June 4, 2003
Canusa Games Association - July 11, 2003 (PW03055) - (City Wide)

RECOMMENDATION:

That the request from the International Children's Games and the Canusa Games Association to waive green fees for their charity golf tournaments scheduled for June 4, 2003, and July 11, 2003 respectively, not be approved.

Scott Stewart
Acting General Manager
Public Works

EXECUTIVE SUMMARY:

Staff have received a request from the International Children's Games and the Canusa Games to waive green fees for their charity golf tournaments scheduled for June 4, 2003, and July 11, 2003, respectively. The International Children's Games charity golf tournament will be held at the Kings Forest Golf Course and the Canusa Games Association charity tournament will be held at the Chedoke Golf Course.

Based on the current charity tournament rates and an estimated 144 total golfers, staff have estimated a potential revenue shortfall of $11,000 (rounded). It should be noted that both associations are requesting a total waiver of fees based on an estimated 144 golfers.

The waiver would apply to the actual number of golfers who register for the tournament. Therefore the 144 figure is for estimating potential revenue loss impact only.

Given that the City is under great economic pressure, the failure to realize these revenues would have potential adverse affects upon the golf course performance as well as the City's ability to be fiscally sustaining. In addition this sets a precedent for other charity events requesting similar waivers. Therefore, staff are recommending that the request for waiving green fees NOT be approved.

Notwithstanding the above this report summarizes options for waiving fees entirely or partially.

BACKGROUND:

The information/recommendations contained within this report have City wide implications.

Staff have received a request from the International Children's Games and the Canusa Games to waive green fees for their charity golf tournaments scheduled for June 4, 2003 and July 11, 2003, respectively. The International Children's Games charity golf tournament will be held at the Kings Forest Golf course and the Canusa Games Association charity tournament will be held at the Chedoke Golf Course.

The rationale for a waiver requested by Canusa and the International Children's Games is as follows:

Both the Canusa, and International Children's Games have a long history of operation within the City of Hamilton, and have been supported through the waiver of green fees for their fundraising golf tournament historically as a means of assisting the events co-ordinators with offsetting the costs of presentation.

This year the Canusa Games will be held in Hamilton and the funds raised will offset such expenditures as the costs of facility rentals, T-shirts, insurance, publicity, transportation of athletes, advertising, etc. Canusa has been operating between Canada and the United States since 1958, and will see approximately 1000 athletes participating in twenty events. The organization is non-profit and committed to volunteers working in their community for social and recreational betterment of young and old.

The International Children's Games are to be held in Patris, Greece, and the funds raised here will assist in the transportation and housing of our athletes as they represent us on the international field. The organization is non-profit, and all participants must be tax-paying residents of Hamilton. Funds raised from this tournament will be used for transportation costs, insurance or other such expenditures.

Notwithstanding the above, based on the current charity tournament rates and an estimated 144 total golfers staff have estimated a potential revenue shortfall of $11,000 (rounded). It should be noted that both associations are requesting a total waiver of fees based on an estimated 144 golfers. The waiver would apply to the actual number of golfers who register for the tournament. Therefore the 144 figure is for estimating potential revenue loss impact only.

Given that the City is under great economic pressure, the failure to realize these revenues would have potential adverse affects upon the golf course performance as well as the City's ability to be fiscally sustaining. In addition this sets a precedent for other charity events requesting similar waivers. Therefore, staff are recommending that the request for waiving green fees not be approved.

It should be noted that each of these organizations are supported by the City through a grant, Canusa ($37,000) and the International Children's Games ($15,000), by internal accounts within the Culture and Recreation Sport Development budget. The waiving of fees for fundraising purposes has reaped benefits to these organizations, however this reallocation puts stress upon the performance of the golf operations and its ability to assist in becoming self-sustaining.

ANALYSIS OF ALTERNATIVES:

Staff have reviewed the request from Canusa and the International Children's Games and have identified the following alternatives:

Option 1

Council may choose to waive the fees in their entirety, and advise the organizations that for the future no additional assistance in the waiver of fees will be considered. The result will be unrealized revenue to the golf course of approximately $11,000. The tournaments will pay for cart use, food and beverage.

Should Council wish to proceed a recommendation as follows is suggested:

"a) That the General Manager of Public Works be authorized to waive the fees for the International Children's Games fundraising golf tournament scheduled to be held at Kings Forest Golf Course on June 4, 2003, and, the Canusa Games fundraising golf tournament to be held at Chedoke Golf Course scheduled for July 11, 2003, at an estimated value of $11,000 for the two tournaments, recognizing staff will not realize these revenues in their 2003 operating budgets;

b) That staff be authorized and directed to give formal notice to the organizers that there will be no future waiver of fees for these events in order that they may plan accordingly."

Option 2

Council may wish to partially waive the fees for each of these tournaments to a point of cost recovery estimated at approximately $12 per green fee. Each of the tournaments would then pay an amount equal to $1,728 for the green fee portion of the tournament. Food, beverage and carts would remain at full price. This option would continue to support the organizers and lessen the pressure to the golf operations.

Should Council wish to proceed with this option the following recommendation is suggested:

"a) That the General Manger of Public Works be authorized and directed to reduce the fees for the International Children's Games fundraising golf tournament scheduled for June 4, 2003, at King's Forest to an amount of $12 per round estimated as cost; and, the Canusa Games golf fundraising tournament scheduled for July 11, 2003, at Chedoke to an amount of $12 per round estimated as cost, in support of these organization's efforts in presenting the games and having the community participate on both the national and international stage, recognizing staff will not realize the partial loss of revenues in their 2003 operating budgets;

"b) That staff be authorized and directed to give formal notice to the organizers that there will be no future waiver of fees for these events in order that they may plan accordingly."

Option 3

Staff are recommending that the fees not be waived for the International Children's Games, or the Canusa Games organization, due to the need to address "phantom" revenue within the City's budgets. The waiver of the fees may create additional pressures on the performance of the golf operations and its abilities to offset costs and contribute to the City's economic position. In addition, this sets a precedent for other charity events requesting similar waivers.

Should Council wish to proceed with this option, Council should approve the recommendations as outlined in the recommendation section of this report.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial

The financial impacts of each option are outlined below. The Canusa Games is provided a grant in the amount of $37,000 to organize and operate the games. The International Children's Games are assisted through a line account in Culture and Recreation in the amount of $15,000.

Option 1

Each of the tournaments are expecting to have 144 participants. This would translate to a waived revenue of $5,472 based upon 2003 green fee rate of $38 (fundraising tournament fee) for the Children's Games tournament at Kings Forest, and waived revenue of $5,760 based upon 2003 green fee rate of $40 for the Canusa Games tournament to be held at Chedoke.

Option 2

Adoption of Option 2, would see the International Children's Games pay an amount equal to $1,728 (144 players at $12) for green fees resulting in an amount of $3,744 of revenue unrealized. The Canusa Games would also pay an amount of $1,728 (144 players at $12) for green fees resulting in an amount of $4,032 of revenue unrealized.

Option 3

Should Council choose not to waive the fees, the tournament organizer will need to determine if they wish to proceed. In the event the tournaments continue, the golf operations would see the revenue from green fees in the amount of $5,472 and $5,760 for the International Children's Games and Canusa Games tournaments respectively.

In the event that the tournaments were to cancel, the golf courses would sell these spots at full cost for green fee play.

Staffing

There are no identified staffing issues arising from these recommendations.

Legal

There are no identified legal requirements arising form these recommendations

POLICIES AFFECTING PROPOSAL:

The current policy provides for a "charity" tournament green fee which is at a reduced rate.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Public Health & Community Services Department were consulted in the preparation of this report.

CITY STRATEGIC COMMITMENT:

The recommendations in this report are supportive of Council's approved goals, specifically, "spending wisely and investing strategically." Each of these organizations provide a high level of service in promoting the image and recreation of our community. The City actively assists currently with support both financially and through staff. The ability to make such programs self sustaining through additional fund raising is essential for the continuation of the programs as well as the City's need to be fiscally sound.

AFFECTS
WARD 11

CITY OF HAMILTON

13.4

PUBLIC WORKS DEPARTMENT
Capital Planning & Implementation Division
and
Waste Management Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	May 5, 2003	**Prepared by:**	Tim Evans Extension 4396 Pat McNab Extension 2881 Phil Jensen Extension 4436

SUBJECT: Capital Budget Appropriation Increase - Glanbrook Leachate Improvements (PW03059) - (Ward 11)

RECOMMENDATION:

(a) That the appropriation for Capital Budget Project No. 5129991913 (Glanbrook Leachate Improvements) be increased by $1,179,901 from $5,000,000 to $6,179,901 and that this increase in funding be financed by a transfer of $1,179,901 from Capital Budget Project No. 5120055009 (Waste Management Master Plan - Study).

(b) That Change Order No. 1 to Contract TOE 01-44 (M) in the amount of $569,240.00 (includes G.S.T.) be approved to fund the expanded works necessary to complete the project and that the works associated with this change order be charged to the Waste Management Capital Budget Number 5129991913 (Glanbrook Leachate Improvements).

TOE 01-44 (M) - Glanbrook Landfill: Stage 1 and 2 Leachate Collection System and Stage 1 Pumping Station and Forcemain
Bre-Ex Limited
Revised Contract Price - $4,368,901.00 (Incorporating Change Order No. 1)

(c) That the same terms and conditions apply to the above change as originally outlined in Contract TOE 01-44 (M).

(d) That the City Manager and the Municipal Clerk be authorized and directed to execute the above noted change order in a form satisfactory to the Corporate Counsel.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

The Glanbrook Landfill Leachate Improvements project commenced in 1999, when the initial budget of $5 million dollars was established. At that time Regional Council directed staff to negotiate a contract for the work with Canadian Waste Services Incorporated (CWSI). Negotiations continued for 18 months and were unsuccessful, resulting in the decision to tender for the work in December 2000. The work was tendered in late 2001, after design drawings and contract documents were prepared for the purpose of issuing a tender. Construction did not commence until late 2002 in order that much of the excavation work would be done in cold weather, for odour control purposes. As a result of this timing for the start the project, changes to scope resulting from field conditions and upgrades to some specifications, an allocation of funds to the project budget and a change order to the construction purchase order are required. The funds proposed for the transfer are existing funds found elsewhere in the Waste Management Capital Budget.

BACKGROUND:

Contract TOE-01-44 (M) calls for the installation of a perimeter leachate collection system with two laterals and numerous drains excavated deep into the fill area. The leachate collection system installed originally when the landfill was opened is no longer functioning to the extent required. The new system is designed to address that. The Contract was awarded to Bre-Ex Limited, the lowest of seven (7) bidders. The tendered price for the construction was $3,799,661 (including contingency and GST).

A summary of the project budget and related expenses is as follows:

Project Name		Budget Amount
Capital Budget Project No. 5129991913 (Glanbrook Leachate Improvements):		$5,000,000
Expense Item	**Amount**	**Remaining Budget**
Construction contract with Bre-Ex Limited (Includes GST and contingency)	$3,799,661	$1,200,339
Budget Expenditures (leachate removal, Contract management, tender preparation, pipe, waste disposal)	$1,811,000	($610,661)
Contract Extension for scope and revisions	$ 569,240	($1,179,901)
Revised Budget:		$6,179,901

The summary below provides additional detail with respect to the expenses shown in the above table.

Construction Contract: $3,799,661

Council awarded the contract for the installation of the collector system to Bre-Ex Limited in the amount of $3,799,661.

Budget Expenditures: $1,811,000

Leachate removal by tanker truck, funds for which were removed in 2001 from the current budget in anticipation of the projects completion, was charged to the capital account as this activity continued during 2001 and 2002. The amount committed to this activity is $538,000.

Spoils from the trenching of new laterals require landfilling at the tipping face. Disposal costs for this activity are paid to CWSI according to terms and unit prices found in the disposal contract. This estimate to complete these works is $437,000.

All original design, engineering and technical support expenses were charged to this capital account. Subsequent to the decision to tender this project, additional costs were incurred. Included in these are preparation and review of detailed design, approvals, preparation of tender documents, tendering process, ongoing project management and materials (i.e. includes $148,000 for the purchase of the leachate pipe, as per the approved specifications, by the City from CWSI). Total value of works related to this is $836,000.

Contract Extension: $569,240

As this is a unit price contract, the depth of the excavation required to meet the specification has an impact on the amount payable to the contractor. The landfill is an active site, with ongoing landfilling operations affecting the topographical contours of the excavation area. As a result of these topographical changes, the increase in depth was significant in the area of the south lateral. The increased cost for this activity is $250,380.

Given the understanding of the project at the time, provisions for communication between pumping stations were not originally specified. Duct works and cable installation requires upgrading. A related requirement to install an automated flow restriction device at the Hall Road Pumping Station was also identified subsequent to the award of contract. A number of issues have arisen during the construction. Field conditions necessitated extra test pits during preliminary investigation and caused minor deviations in installation operations and minor repairs to an existing drain not found on drawings. A pipe failure at the bottom of the south lateral caused production delays. The access road for the landfilling operation had to be moved to accommodate construction. Part of the existing gravity leachate transmission system, which will remain as a functional component of the new system, requires retrofitting in order that the upgrade can be inspected and cleaned over time. The presence of sewer sludge, deposited at the site in 1996 on an emergency basis, was encountered and, for health and safety reasons, site clean up and design modifications were required. The increased cost for these activities is $318,860.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As a result of the closure of SWARU in December 2002, remaining unspent funds associated with that site were transferred to the Solid Waste Management Master Plan Capital Budget Project No. 5120055009 (Waste Management Master Plan – Study) as per recommendation (m) of Report TOE02220/FCS02146. At the time that this transfer of funds was recommended to Council, the need for additional funding for the Glanbrook project was not yet identified. There are sufficient funds available as a result of the re-assignment of funds from various SWARU projects to provide the transfer of funding required for the appropriation increase for Capital Budget Project No. 5129991913 (Glanbrook Leachate Improvements).

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Appropriate staff members within the Public Works division as well as staff members from Legal Services and Budgets and Fiscal Policy have reviewed this report.

CITY STRATEGIC COMMITMENT:

The work in Contract TOE-01-44 (M) that has necessitated this appropriation increase will assist in the City's goal of promoting a healthy, safe and green City through the improved dewatering of leachate from the Glanbrook Landfill which is expected to reduce the potential for off-site impacts and minimize local concerns about both the health and environmental consequences of groundwater contamination.

SECTION 14

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

14.1

PUBLIC WORKS DEPARTMENT
Fleet & Facilities Division
Transit Division
and
CORPORATE SERVICES DEPARTMENT
Financial Services Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P. Eng. General Manager Joseph L. Rinaldo General Manager
Date:	April 29, 2003	**Prepared by:**	Elizabeth Embleton Extension 2016 Don Hull 905-679-7301

SUBJECT: **Request for an Allocation of Renewal Funds from the Ministry of Transportation Ontario (PW03031/FCS03082) - (City Wide)**

RECOMMENDATION:

(a) That pursuant to the Ontario Transit Renewal Program - Guidelines and Requirements, the Council of the City of Hamilton hereby requests an allocation of 2003 transit fleet capital renewal funds for the replacement of 20 conventional transit vehicles in the amount of $3,425,666.67.

(b) That pursuant to the Ontario Transit Renewal Program - Guidelines and Requirements, the Council of the City of Hamilton hereby requests an allocation of 2003 transit fleet capital renewal funds for the replacement of 15 specialized transit vehicles in the amount of $1,083,705.67.

(c) That the Mayor, Treasurer and Clerk be authorized to sign the application forms as per Appendix A and B as required by the Ministry of Transportation.

(d) That in order to support the staff application made prior to the May 1, 2003 deadline, the Ministry of Transportation be advised of Council support for the funding application with the 'Renewal Funds' program.

Peter M. Crockett, P.Eng.
General Manager
Public Works

Joseph Rinaldo

Joseph L. Rinaldo
General Manager
Corporate Services

EXECUTIVE SUMMARY:

For 2003, the City qualifies for $4,509,372.34 on 2003 purchases and refurbishments, in addition to the $922,683.00 carryover from 2002 for a total receivable of $5,432,055.34. However, this amount will once again exceed the cap set by the Province for 2003 of $3,448,899.00. Notwithstanding, the Province has advised that consideration will be given to a pay out of both the full eligible amount in 2003 and the 2002 carryover subject to the availability of funds. As such, staff is recommending application for remittance of the full eligible amount in 2003 purchases and refurbishments in the amount of $4,509,372.34 in this report. In addition, if allowable by the Province the carry-over will be remitted by separate payment.

In addition, for 2003 and beyond the Province announced an expansion of the funding program to include supplemental subsidy for alternate fuelled vehicles, for which the City will qualify with respect to conventional transit fleet acquisitions. Although the exact amount of additional subsidy has not yet been determined by the Province, the formula is based on 1/3 funding of the additional cost of Natural Gas fuelled vehicles over Diesel and is estimated to be $30,000 per vehicle, amounting to approximately $600,000 on the 2003 purchase. The exact amount will be determined by the Province and remitted with the original submission.

In addition, for 2003 and beyond the Province announced an expansion of the funding program to include a bonus based on ridership growth. Although, it is believed that the City will qualify for this additional bonus in 2003, the statistics upon which the Province will make its determination will not be available until the latter part of 2003. Staff will provide a subsequent report to Council once this information is made available.

BACKGROUND:

In 2001 the Province of Ontario announced a ten-year transit investment plan to contribute towards transit fleet renewal funding beginning in 2002. The program is made up of $3.25 billion over ten years. The purpose of the Ontario Transit Renewal Program (ORTP) is to assist in and provide up to one third of the capital costs of the replacement or major refurbishment of ageing municipal transit vehicles as part of the Government's transit investment plan.

The Province of Ontario requires municipalities to forward a City Council resolution requesting funding by May 1st of each year; however, staff received the application forms from the Ministry of Transportation on April 4, 2003. Staff has been advised that due to this circumstance, the application must be submitted by May 1st with a letter explaining that the City Council resolution will follow shortly after.

In 2002, the City qualified for $4,090,196 in subsidy, however this amount exceeded a cap set by the Province of $3,167,513. The City applied for and has received the $3,167,513 and carried over the balance of $922,683 into the 2003 submission as permitted by the Province.

In 2003 the City received conventional transit buses purchased at a total net cost of $9,967,000 million including GST and RST rebates. The acquisition of these buses was made possible by the approval of both the 2002 and 2003 Transit Vehicle Replacement Capital budgets. Additionally, Transit Fleet plans to complete the refurbishment of one

40 foot bus and one 60 foot bus at a cost of $310,000 and a purchase order has been issued for the replacement of 15 paratransit buses at a total net cost of $3,251,117 million including GST rebates. Please refer to Appendix C for 2003 Purchases/Refurbishment Summary.

The Ministry of Transportation has placed a nominal cap of $3,448,899 on City of Hamilton Claims in 2003; however, they have advised that we may be awarded a further share of any unallocated funds at year end.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Province of Ontario renewal funds will be credited to the appropriate capital budget vehicle replacement project numbers and reserves as previously directed by Council.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The 2003 application for the Ontario Transit Renewal Program has been reviewed by Corporate Services, Budgets and Fiscal Policy and Corporate Services, Legal Services, Corporate Counsel,Transit and the Fleet & Facilities Division.

CITY STRATEGIC COMMITMENT:

The replacement of transit vehicles is consistent with the City's objectives of reducing vehicle emissions and increasing transit accessibility.

Ontario Ministry of Transportation

Request for an Allocation of Renewal Funds

- Conventional Transit -

Request no. ______

Request for an Allocation of Renewal Funds

Conventional Transit Vehicles for the Year 2003 ___

Pursuant to the Ontario Transit Renewal Program – Guidelines and Requirements (the "Guidelines and Requirements"),

the Council of the Corporation of the

City of Hamilton (the "Corporation")

(hereby requests an allocation of renewal funds for the year 20 03 , for conventional transit vehicles in:

the amount of $ 3,425,666.67

The Council of the Corporation understands and agrees that the said funds shall be expended in accordance with the Guidelines and Requirements and for conventional transit vehicles. A detailed estimate of how the allocation is proposed to be spent (Form ON-T-1, pg 2) is attached hereto.

Furthermore, by submitting this request for an allocation of renewal funds, the Council of the Corporation acknowledges and agrees that the Corporation shall be bound by all the terms and conditions set out in the Guidelines and Requirements.

This request for an allocation of renewal funds has been authorized by a resolution of the Council of the Corporation

of the City of Hamilton

dated ______________ 20 ____

Authorized Signatures:

____
Treasurer

____
Head of Council

(Seal)

____
Clerk

Ontario Ministry of Transportation

Request for an Allocation of Renewal Funds

- Conventional Transit -

The Corporation of the City of Hamilton

budgeted expenditures for the replacement and major refurbishment of conventional transit vehicles and requirement of renewal funds for the year 2003 .

Eligible Conventional Transit Vehicle Replacement and Major Refurbishment

1. Conventional Transit Vehicle Replacement	Budgeted Expenditures	
Transit Buses (20) 40' CNG LF	$9,967,000.00	
Sub-total	**$9,967,000.00**	A
2. Conventional Transit Vehicle Major Refurbishment		
Transit Buses - CNG 40' (1) & Artic CNG 60' (1)	$310,000.00	
Sub-total	**$310,000.00**	B
Budgeted Conventional Transit Vehicle Expenditures **Total**	**$10,277,000.00**	C
3. Estimated Conventional Transit Requirement of Renewal Funds	**Estimates**	
Conventional Transit Vehicle Replacement 33.3 % of **A**	**3,322,333.33**	D
Conventional Transit Vehicle Refurbishment 33.3% of **B**	**103,333.33**	E
4 Estimated Conventional Requirement **of Renewal Funds** (D+E) Total	**$3,425,666.67**	F

Copy the amount of estimated renewal fund requirements set out in row 4 above to form ON-T-01 pg 1.

Ontario Ministry of Transportation

Request for an Allocation of Renewal Funds
- Transportation for Physically Disabled Persons

Request no. ________

Request for an Allocation of Renewal Funds

Transit Vehicles for Physically Disabled Persons for the Year 2003

Pursuant to the Ontario Transit Renewal Program – Guidelines and Requirements (the "Guidelines and Requirements"),

the Council of the Corporation of the

City of Hamilton (the "Corporation")

(hereby requests an allocation of renewal funds for the year 20 03 , for transit vehicles for physically disabled persons in:

the amount of $ 1,083,705.67

The Council of the Corporation understands and agrees that the said funds shall be expended in accordance with the Guidelines and Requirements. A detailed estimate of how the allocation is proposed to be spent (Form ON-T-09, pg 2) is attached hereto.

Furthermore, by submitting this request for an allocation of renewal funds, the Council of the Corporation acknowledges and agrees that the Corporation shall be bound by all the terms and conditions set out in the Guidelines and Requirements.

This request for an allocation of renewal funds has been authorized by a resolution of the Council of the Corporation

of the City of Hamilton

dated ____________ 20 ____

Authorized Signatures:

____
Treasurer

____
Head of Council

(Seal)

____
Clerk

Ontario Ministry of Transportation

Request for an Allocation of Renewal Funds

-Transportation for Physically Disabled Persons

The Corporation of the **City** of Hamilton

budgeted expenditures for the replacement of transit vehicles for physically disabled persons and requirement of renewal funds for the year 2003 .

Eligible Replacement of Transit Vehicles for Physically Disabled Persons

1. Transit Vehicle Replacement	**Budgeted Expenditures**	
Paratransit Buses (15)	$3,251,116.70	
Total Budgeted Expenditures for Transit Vehicles for Physically Disabled Persons	**$3,251,116.70**	**A**

Estimated Requirement of Renewal Funds		**Estimates**	
Transit Vehicle Replacement	33.3 % of **A**	**$1,083,705.67**	
2. Estimated Requirement of Renewal Funds*	**Total**	**$1,083,705.67**	**B**

* Copy the amount of Estimated Requirement of Renewal Funds set out in row 2 above to form ON-T-09 page 1.

April 29, 2003

Appendix C

2003 Ontario Transit Renewal Program
Transit/DARTS Capital Replacement Refurbishment Summary

Description	Conventional	Refurbishments	Specialized	Specialized
Unit Price	483,834.00	310,000.00	193,703.00	196,626.00
RST	38,706.72		15,496.24	15,730.08
GST	33,868.38		13,559.21	13,763.82
GST Rebate	-19,352.39	0.00	-7,747.73	-7,864.65
RST Rebate	-38,706.72			
Sub-Totals	498,349.99	310,000.00	215,010.72	218,255.25
Vehicles Purchased	20.0		7.0	8.0
Purchase Price	9,967,000.00	310,000.00	1,505,075.00	1,746,042.00
Net Purchase	9,967,000.00	310,000.00	1,505,075.00	1,746,042.00
@ 33.3%	3,322,333.33	103,333.33	501,691.67	582,014.00

	Total Expenditure	ORTP Grant @ 33.3%
Conventional	$10,277,000.00	$3,425,666.67
Specialized	$3,251,117.00	$1,083,705.67
Total Grants		$4,509,372.34

N.B.: Both Conventional and Specialized vehicles received in 2003 are purchased from the 2002 and 2003 budgets.

Source of Funding

Conventional

Program	Budget	Project#	DEPTID
Refurbishment - 2003	300,000.00	N/A	580360/580370
Replacement - 2003	5,780,000.00	5300383101	N/A
Replacement - 2002	5,100,000.00	5300283101	N/A

Specialized

Program	Budget	Project#	DEPTID
Replacement - 2003	1,760,000.00	5310382100	N/A
Replacement - 2002	1,650,000.00	5310282100	N/A

SECTION 15

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

15.1

ANIMAL CONTROL SUB-COMMITTEE

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Councillor D. Mitchell Chairman Animal Control Sub-Committee
Date:	May 8, 2003	**Prepared by:**	Carolyn Biggs (905)546-2604

SUBJECT: Animal Control Sub-Committee Report 03-001 (City Wide)

The Animal Control Sub-Committee, having met on April 30, 2003, presents Report 03-001 and respectfully recommends:

RECOMMENDATION:

Dog Licensing Compliance and Animal Control Enforcement Strategy (City Wide) (PD03104) (Item 4)

That the strategy for dog licensing compliance and animal control enforcement, as outlined in Report PD03104, be endorsed.

Councillor David Mitchell, Chairman
Animal Control Sub-Committee

EXECUTIVE SUMMARY:

Refer to attached staff Report PD03104.

BACKGROUND:

At its meeting of April 30, 2003, the Animal Control Sub-Committee was in receipt of a report entitled, "Dog Licensing Compliance and Animal Control Enforcement Strategy" and made the foregoing recommendation.

Refer to attached staff Report PD03104.

FOR THE FURTHER INFORMATION OF THE COMMITTEE:

(a) **Animal Control Service Delivery – 1st Quarter Report** (Item 3.1)

A staff presentation on the 1st Quarter Delivery of Animal Control Service Delivery, was received.

The presentation by Marty Hazell and Paul Buckle included the status of various issues with respect to the operations of animal control service delivery since January 1, 2003 to date, and operational matters to be resolved by the end of the 2nd, 3rd and 4th quarters.

The Committee requested that access to the powerpoint presentation be made available on the "S" drive.

(b) **Leash Free Parks Program** (Item 3.2)

A staff presentation respecting the Leash Free Parks Program, was received.

Al Dore distributed a powerpoint presentation and reported that a draft report with policy and procedures was previously e-mailed to the Sub-Committee for review and comments. It is anticipated that this report will be presented to the Committee of the Whole in June, 2003.

(c) **Dog Licensing Compliance and Animal Control Enforcement Strategy (City Wide) (PD03104)** (Item 4)

The Sub-Committee requested that the Director of Building and Licensing be directed to bring a report to the Sub-Committee detailing the steps required to implement point of sale licensing for dogs.

(d) **Adjustment to Hours of Public Access at the Jones Road Animal Shelter (City Wide) (PD03103)** (Item 5)

Report PD03103 respecting Adjustment to Hours of Public Access at the Jones Road Animal Shelter, was received for information.

ANALYSIS OF ALTERNATIVES:

Refer to attached staff Report PD03104.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Refer to attached staff Report PD03104.

POLICIES AFFECTING PROPOSAL:

Refer to attached staff Report PD03104.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Refer to attached staff Report PD03104.

CITY STRATEGIC COMMITMENT:

Refer to attached staff Report PD03104.

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT
Parking and Enforcement Operations Section

Report to:	Chairman and Members Animal Control Sub-Committee	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	April 03, 2003	**Prepared by:**	Paul Buckle (2597)

SUBJECT: **Dog Licensing Compliance and Animal Control Enforcement Strategy (City Wide) (PD03104)**

RECOMMENDATION:

That Report PD03104 respecting Dog Licensing Compliance and Animal Control Enforcement Strategy be received for information.

WH Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The "Business Plan and Operational Strategy for the Delivery of Animal Control Services to the City of Hamilton" approved by City Council on December 11, 2002, indicated that "...reducing the costs of animal control to any significant degree will require a strong commitment to increase licensing compliance such that stray animals can be returned promptly to their owners, thereby eliminating the City's need to shelter, care for and euthanize stray animals". The purpose of this report is to communicate to the members of the Animal Control Sub-Committee, staff's strategy to achieve a higher level of dog licensing compliance.

The 2003 budgetary objective for dog licence fees is $771,000, based upon the sale of approximately 32,000 licences, as set out in the Animal Control Program business plan. The total number of dogs currently licensed in the former municipalities of Ancaster, Dundas, Hamilton and Stoney Creek, according to the database recently obtained from the H.S.P.C.A. is approximately 24,000, resulting in a deficit of about 7,000 licences. Consequently, a very aggressive licensing campaign requiring the support and commitment of Council, as indicated in the business plan, will be required to achieve the desired objective. Staff is of the opinion that the 7,000 additional dog licences is an achievable target.

Accordingly, the following strategy will be implemented for 2003, and its success will determine whether or not the strategy will be adopted for the long-term:

Phase 1

On or about the 25th of April 2003 an advertising campaign will advise the constituency of a "Licensing Amnesty" commencing on May 1st and continuing through to May 31st. The subject "Amnesty" program will provide that the late fees normally charged to persons failing to renew their dog licences in a timely manner will be waived.

On May 31st, the amnesty period will come to an end and a "Zero Tolerance" enforcement policy respecting the licensing of dogs will come into force and effect.

Phase 2

Commencing June 1st, Animal Control Officers will begin a door-to-door licence sale campaign utilising the existing database to track previously licensed dogs for which 2003 licences have not been obtained.

At the same time Animal Control Officers and Municipal Law Enforcement Officers will co-ordinate their respective enforcement activities whereby "barking dog", "faeces accumulation", "unlawful use of parks", etc complaints will be cross-referenced and investigated by both enforcement groups with a view to tracking dog licences in each case. Enforcement efficiencies will be achieved by accessing the multidisciplinary functionality innate to the subject enforcement groups and, accordingly, both Animal Control and Municipal Law Enforcement personnel will enforce the City's Dog Licence regulations.

Corresponding with the door-to-door campaign, Animal Control Officers will begin patrolling the City's parks and recreational trails by bicycle, facilitating a more personal and interactive relationship between City enforcement staff and dog owners. The Bicycle Patrol program will combine public education with enforcement in an effort to foster public awareness of all Parks and Animal Control regulations and responsible pet ownership.

The above activities will be enhanced through the use of the recently acquired Hansen Technology and the development of a comprehensive database for these enforcement activities.

BACKGROUND:

On 01 January 2003, the City of Hamilton assumed responsibility for the delivery of Animal Control Services in the former municipalities of Ancaster, Dundas and Hamilton from the Hamilton/Burlington SPCA and the operation of the Shelter at 247 Dartnall Road. One of the key initiatives mandated by the business plan approved by Council on 12 December 2002 was the implementation of an aggressive dog licensing strategy intended to generate approximately $771,000 in revenues to reduce levy funding of the Animal Control Program.

The subject business plan included the following analysis of licensing revenues:

Rural / Urban Licensing Program (Current Fee Rates)

Service Area	Licence Type	Fee Per Unit	Sales	Revenues
Rural Area	Altered Dog	$20.00	1,960	$39,200.00
	Unaltered Dog	$40.00	490	$19,600.00
	Discount Altered Dog	$10.00	840	$8,400.00
	Discount Unaltered Dog	$20.00	210	$4,200.00
Urban Area	Altered Dog	$25.00	15,680	$392,000.00
	Unaltered Dog	$60.00	3,920	$235,200.00
	Discount Altered Dog	$13.50	6,720	$90,720.00
	Discount Unaltered Dog	$30.00	1,680	$50,400.00
Subtotal			31,500	**$839,720.00**
50% of “Rural” revenues paid to each contractor				**-$35,700.00**
Revenues held in reserve to pay Livestock Valuation costs				**-$33,020.00**
TOTAL 2003 REVENUES				**$771,000.00**

It should be noted that a small percentage of the anticipated 2003 licence revenue has accrued to the HSPCA as a result of the sale of “2 Year” licences in 2002. This revenue stream diversion is self-correcting and will be resolved for 2004.

The strategy intended to generate the requisite funds, as described in the above Executive Summary, includes the advertising and introduction of an “Amnesty” period whereby dog owners are able to obtain licences for their pets without paying the “late fee” penalty normally required by By-law No. 01-169. Immediately following the conclusion of the Amnesty period a “Zero Tolerance” policy will come into effect, under which the owner of any dog found without a licence will be charged pursuant to By-law No. 01-169, which by-law provides for a fine of $105 and a “victim surcharge” of $25.

ANALYSIS OF ALTERNATIVES:

The ratio of licences for “altered dogs” and “unaltered dogs” is approximately 65/35 and about 25% of all dog licences sold are subject to the 50% “Seniors” or “Disabled Person” discount. Staff, accordingly, calculates that forgoing the Amnesty and Zero

Dog licensing promotes responsible pet ownership. Further, the licensing program

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT
Parking and Enforcement Operations Section

Report to:	Chairman and Members Animal Control Sub-Committee	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	April 02, 2003	**Prepared by:**	Paul Buckle (2597)

SUBJECT: **Adjustment to Hours of Public Access at the Jones Road Animal Shelter (City Wide) (PD03103)**

RECOMMENDATION:

That Report PD03103 respecting an Adjustment to Hours of Public Access at the Jones Road Animal Shelter be received for information.

MH. Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

City Council, as part of its 2003 Current Budget deliberations, approved a recommendation to reduce the Animal Control budget by $25,000 by discontinuing the provision of customer services at the Jones Road Animal Shelter. However, staff was directed to explore options to continue, albeit at a lower level, some aspects of customer service at this facility.

Pursuant to further investigation, staff proposes to achieve this reduction by implementing the following operational adjustment strategy:

a) Commencing on or about 01 May 2003, the City Animal Shelter at 345 Jones Road will be open to the public between the hours of 9:00 a.m. and 6:00 p.m. from Wednesday through Saturday, inclusive; and,

b) An Animal Control Officer will be assigned to the Jones Road Shelter in the capacity of "Station Duty Officer" to provide services to the public; and,

c) One of the existing part time clerical positions normally assigned to the Jones Road Shelter will be reassigned to the Dartnall Road Shelter. The remaining clerical position will be deleted.

At present the Jones Road Animal Shelter is open to the public between the hours of 8:30 a.m. to 5:30 p.m. from Monday through Friday, inclusive, and between the hours of 11:00 a.m. to 2:00 p.m. on Saturday. Revising the hours of operation as indicated would continue to generally accommodate the needs of the Community as said hours reflect peak usage of the facility. All of the services previously provided at the Jones Road Shelter, such as animal adoption, the sale of dog licences and the surrender of animals, will continue to be offered during the aforesaid revised hours of operation by the Station Duty Officer.

The aforesaid adjustment to hours of operation and redeployment of staff will optimize service provision while at the same time reduce operating costs by approximately $25,000 per annum. Said savings are consistent with Council's budget objectives and the aforementioned strategy will mitigate what would have otherwise been a significant reduction in services to the Stoney Creek community.

BACKGROUND:

On 01 January 2000, in accordance with the Provincially mandated "amalgamation" and the incorporation of the City of Hamilton, the "new" City assumed responsibility for the provision of Animal Control Services in Stoney Creek and the operation of the Animal Shelter, situated at 345 Jones Road.

Said Animal Control responsibilities include:

- enforcement of all municipal animal control by-laws
- dog licensing
- the provision of Pound Keeping services
- the operation of a lost and found pet service
- the removal of animal cadavers from the highway, municipal lands, and private property
- the capture and impound of animals at large or stray animals confined on private property
- pet adoptions

The "Station Duty Officer" will provide adoption, lost and found, licensing and surrender services during the hours that the Shelter is open to the public and on Tuesdays, when the Shelter is closed, the Officer will transport animals to and from the Dartnall Road Shelter and various veterinary clinics. Emergency "after hours" access will be provided at the Jones Road facility on a "call-in" or "by appointment" basis. By-law enforcement, animal rescue and cadaver removal will continue to be provided in the Ancaster, Dundas, Hamilton and Stoney Creek communities 24 hours per day, seven days per week, by staff operating out of the Dartnall Road facility.

It should be reiterated that animal care, (i.e. the cleaning of kennels and cages and the feeding of animals), and the 24 hour dispatch service provided for Animal Control and Parking Control will not be effected by the proposed adjustment to the hours of operation at the Jones Road Shelter.

ANALYSIS OF ALTERNATIVES:

1. Forgoing the "Station Duty Officer"

Forgoing the assignment of a Station Duty Officer and keeping one part time Clerk at the Jones Road Shelter would result in the Jones Road Shelter being open only on Thursday, Friday and one half day on Saturday. Consequently, cost recovery for animals held at the shelter would be significantly reduced, since no charge can be levied for those days when the shelter is not open to the public. Further, persons recovering their animals who should be charged with an offence under the Provincial Offences Act at the time of said recovery would avoid any penalty, since only a Provincial Offences Officer may issue a Provincial Offences Notice.

2. Complete Closure of the Jones Road Shelter

Closing the Jones Road Shelter to the public would result in a loss of revenue generated by animal adoptions, "micro-chip" implanting, enforcement and the surrender of animals by their owners. Said revenue is estimated to average $20,000 per year and is critical to the Animal Control business plan, given that the Jones Road facility is still required for the purpose of housing animals that can not be accommodated at the Dartnall Road facility. More importantly, closing the Shelter to the public will decrease the level of "customer satisfaction" and, correspondingly, the public's perception of the City will suffer.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial Implications

The subject $25,000 reduction in levy based funding has been approved by Council.

Staffing Implications

One of the existing part time Clerk's positions at the Jones Road Shelter will be deleted, but there will be no effects on staff as one position is currently vacant. The other Clerk will be transferred to the Dartnall Road Shelter.

Legal Implications

No legal implications apply.

POLICIES AFFECTING PROPOSAL:

The subject redeployment of staff and adjustment to operational hours is consistent with the following strategic policies of the City:

- A great City in which to live
- A healthy, safe and green City
- A City where people come first
- A City that spends wisely and invests strategically

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

None required.

CITY STRATEGIC COMMITMENT:

Health Impacts

None.

Social Impacts

The proposed strategy optimises the public's access to Animal Control and Pound Keeping services and promotes the City as a responsible provider of said services.

Environmental Impacts

None.

Economic Impacts

The proposed strategy results in a budget enhancement of approximately $25,000. There are no other economic impacts associated with this strategy.

PDB/MBH/

SECTION 16

CITY WIDE IMPLICATIONS

16.1

CITY OF HAMILTON

Hamilton Police Services Board

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lois Morin Administrative Assistant
Date:	April 29, 2003	**Prepared by:**	Lois Morin Administrative Assistant 905-546-2727

SUBJECT: New Mountain Station - Fuel System Requirements (City Wide)

RECOMMENDATION:

That the request from the Hamilton Police Services Board for additional funding of approximately $65,000 for the upgrading of the fuel distribution system, adjacent to the New Mountain Station, to be funded from Capital Project Account No. 3769951001-59214, be approved.

Lois Morin

Lois Morin, Administrative Assistant
Police Services Board

EXECUTIVE SUMMARY:

The Police Services Board met on Tuesday, April 22, 2003 and respectfully submits the above recommendation which, the Police Board approved. As outlined in the attached Police Services Board Report council approval is required because this work was not identified in the original program approved for the New Mountain Station facility.

BACKGROUND:

(see attached report PSB 03-052)

ANALYSIS OF ALTERNATIVES:

(see attached report PSB 03-052)

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

(see attached report PSB 03-052)

POLICIES AFFECTING PROPOSAL:

(see attached report PSB 03-052)

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

(see attached report PSB 03-052)

CITY STRATEGIC COMMITMENT:

(see attached report PSB 03-052)

Attachment: PSB 03-052: New Mountain Station – Fuel System Requirements

cc Chief K.D. Robertson, Hamilton Police Service
Deputy Chief Thomas Marlor, Field Support, Hamilton Police Service

HAMILTON POLICE SERVICES BOARD

- RECOMMENDATION -

DATE:	2003 April 10
REPORT TO:	Chairman and Members Hamilton Police Services Board
FROM:	Kenneth D. Robertson Chief of Police
SUBJECT:	***New Mountain Station - Fuel System Requirements (PSB 03-052)***

RECOMMENDATIONS:

a) That the Board approve additional funding of approximately $65,000 for the upgrading of the City of Hamilton's fuel distribution system, adjacent to the New Mountain Station. Funding for this upgrade is available in the Capital Project Account #3769951001-59214.

b) That the Board authorize and direct the Administrative Assistant of the Board to forward the recommendations to City Council for approval.

Kenneth D. Robertson
Chief of Police

FINANCIAL / STAFFING / LEGAL IMPLICATIONS:

FINANCIAL – Funding in the amount of $11,000,000 for the New Mountain Station is identified in Capital Account 3769951001. The actual project cost after the significant redesign and tendering process has reduced the project cost to $9,969,000 realizing a net savings of $1,031,000. The cost of upgrading the City of Hamilton Fuel Distribution system has been estimated to be $65,000, but was not included in the original program for the New Mountain Station. It is recommended that this unbudgeted expenditure be taken from the identified savings in Account 3769951001-59214.

STAFFING – n/a

LEGAL – n/a

BACKGROUND:

During the program development of the New Mountain Station, staff investigated the feasibility of not installing fuel tanks at this new location. A relatively new fuel distribution facility is available at the City of Hamilton's Public Works Facility adjacent to this project. Staff met with Mr. John Hamilton, Manager of City Fleet Services, and Mr. Tom Kagianis, Supervisor of Fleet Services, to develop a partnership whereby the Hamilton Police Service would procure fuel from the Public Works facility. A cost avoidance of $300,000 to $400,000 has been avoided by not duplicating fueling facilities.

During the development of this partnership, in preparation for the opening of the new facility this fall, the City has identified that their existing gasoline tank does not have the capacity to fuel all the police vehicles operating out of the new facility. The inground fuel tank needs to be upgraded to accommodate the increase in users. The cost of this upgrade is estimated to be $65,000.

Council approval is needed because this work is not identified in the original program approved for the New Mountain Station facility. The *"Council Capital Variance Policy"* requires that a project, that was not included in the original program for the new facility, be authorized and approved by Council and that funds be transferred from the savings account, 3769951001-59214 to the operational account 3769951001-52870.

KDR/D. Bowman

cc: Deputy Chief Thomas R. Marlor, Field Support
Superintendent John Petz, Administrative Services
Roberto Rossini, Director of Budgets Fiscal Policy
Steve Bauld, Manager, City Purchasing
Mark Strba, Manager, Design and Construction
Ted Mason, Chief Accountant

SECTION 17

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

HAMILTON POLICE SERVICES BOARD

17.2

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lois Morin Administrative Assistant
Date:	March 26, 2003	**Prepared by:**	Lois Morin – 905-546-2727

SUBJECT: **Closed Circuit Television (CCTV) Community Consultation Update (City Wide)**

RECOMMENDATION:

That the Council of the City of Hamilton be requested to support the implementation of a two-year pilot project to deploy CCTVs in the downtown area.

Lois Morin

Lois Morin, Administrative Assistant
Police Services Board

EXECUTIVE SUMMARY:

The Police Services Board met on Monday, March 24, 2003 and respectfully submits the recommendation which, the Police Board approved. As part of the consultation process the Board also requested that its decision be forwarded to City Council, to seek its support to implement a two-year pilot project in the downtown area.

BACKGROUND:

(see attached)

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

(see attached)

POLICIES AFFECTING PROPOSAL:

N/A

CITY STRATEGIC COMMITMENT:

N/A

BPM/lem

Attachments: PSB 02-033b – Closed Circuit Television (CCTV) Community Consultation Update

cc: Chief Kenneth D. Robertson
Superintendent Michael P. Shea

HAMILTON POLICE SERVICES BOARD

- RECOMMENDATION -

DATE:	2003 March 13
REPORT TO:	Chairman and Members City of Hamilton Police Services Board
FROM:	Kenneth D. Robertson Chief of Police
SUBJECT:	**Closed Circuit Television (CCTV) Community Consultation Update - PSB #02-033b**

RECOMMENDATION:

a) That the Police Services Board seek the support of Hamilton City Council for the implementation of a two-year pilot project to deploy CCTVs in the downtown area.

b) That subject to Council support, the Board endorses the implementation of a two-year pilot project involving the installation of CCTV cameras in downtown Hamilton.

Kenneth D. Robertson
Chief of Police

FINANCIAL / STAFFING / LEGAL IMPLICATIONS:

FINANCIAL –

N/A in regard to the consultation process - will form part of the implementation plan.

STAFFING –

No staffing implications – becomes a function of the new Call Management Branch.

LEGAL –

Legal counsel has reviewed all relevant legislation and recent court decisions.

BACKGROUND:

On Monday 18 March 2002, PSB Report #02-033 was submitted as an "Information" item to advise the Board of a public consultation process to assess community support for a proposal to install CCTV cameras in downtown Hamilton.

The consultation process included public forums, media interviews, telephone inquiries, letters, faxes and e-mails (to the HPS web site) and an independently conducted telephone survey. An evaluation (*objective and subjective*) by the CCTV Steering Committee of all public consultation data resulted in a report to the Chief of Police identifying significant public support for the CCTV proposal. Attached to this report (*Addendum 1*) is a copy of the Steering Committee's letter to the Chief and a brief listing of the data regarding the consultation process (*Addendum 2*). A complete list of all reference material is available to the Board members for review.

The independent citywide survey shows that more than two-thirds of all respondents would feel safer walking in downtown Hamilton knowing that the Police Service was monitoring the area. The majority of respondents (84.3%) believe that CCTVs are an effective tool for deterring and detecting crime, and 82.1% support their use.

The purpose of the CCTV community initiative is to promote public safety by:

1. Providing and maintaining a safe environment in the downtown;
2. Acting as one component of downtown revitalization; and,
3. Improving the ability of the Hamilton Police Service and the community to respond to crime and anti-social behavior occurring in Hamilton's downtown core area.

The principle objectives of the program are as follows:

- Enhancing public safety;
- Preventing/ deterring crime and public disorder;
- Reducing and removing the fear of crime;
- Identifying criminal activity;
- Identifying suspects;
- Gathering evidence;
- Documenting police actions to safeguard citizen and police officer rights;
- Reducing the cost and impact of crime to the community; and
- Improving the allocation and deployment of law enforcement assets.

We believe this will increase the quality of life for residents, property owners, local businesses and visitors in downtown Hamilton.

Video surveillance technology has been in use since the 1950s to assist police in reducing crime on public streets. CCTV programs are now used throughout the world with established systems in Canada, the United States, the United Kingdom and Germany. There are many successes in communities where similar programs are in place. Sudbury's "Eye in the Sky" program is an excellent example – in the three years following installation of their cameras, Robberies and Assaults decreased by 38% and Property Crime decreased by 44%.

A number of community concerns have been addressed by the CCTV Steering Committee. Should the Board endorse this project, clear operational procedures that outline protection of privacy, monitoring (by HPS personnel), retention (72 hours), use of recordings and auditing will be submitted.

KDR/mpa

Attachments: 2

cc: Supt. Michael P. Shea

HAMILTON POLICE SERVICE

RECIPIENT OF THE WEBBER SEAVEY AWARD FOR
QUALITY IN LAW ENFORCEMENT

Wednesday 12 March 2003

Kenneth D. Robertson
Chief of Police
Hamilton Police Service

Chief Robertson,

Re: Results of Community Consultation Process – CCTV Proposal

In March 2002, a Steering Committee was formed to begin a community consultation process to assess the community's response to a proposal to install five CCTV cameras in the downtown core of Hamilton. The consultation process included 12 public forums, media interviews, telephone inquiries, letters, faxes, e-mail messages and a citywide independent telephone survey.

Of the 223 telephone surveys conducted, in excess of 84% of those surveyed believe that CCTVs are an effective tool for deterring and detecting crime and 82.1% support their use in regard to this proposal. The committee unanimously concludes that there is significant community support for the proposal.

Respectfully submitted,

David Blanchard	
Mary Pocius	Mary M. Pocius
Gord Thompson	Gord
Janet Manners	
Max Reimer	
Scott Gilbey	
Ron Marini	Ron Marini
Michael Shea	

CCTV Public Consultation Results

Public Forums:

Location	Attendance	Results
1. Public Library – York Blvd.	96 People	Difficult to gauge – for/against appeared to be about even - 50% in favour & 50% against CCTV.
2. First Place – King & Wellington	120 People	Approx. 95% in favour of CCTV.
3. Ancaster High School	14 People	12 in Favour and 2 against (approx. 86%).
4. Saltfleet High School	2 People	Both in favour (100%).
5. Orchard Park High School	3 People	All 3 in favour (100%).
6. Glendale High School	2 People	Both in favour of CCTV (100%).
7. Westdale High School	1 Person	Not in favour.
8. Hillpark High School	2 People	Both against CCTVs (0%).
9. Barton Secondary School	3 People	All in favour (100%).
10. Parkside High School	4 People	All in favour (100%).
11. Delta High School	4 People	All in favour (100%).
12. Sir Allan McNab High School	8 People	6 in favour & 2 against (75%)

E-mails:

In Favour (For)	Responses Against	Results
81	4	95.3% in favour.

Letters/Faxes:

In Favour (For)	Responses Against	Results
9	0	100% in favour.

Voice Mail/Telephone Calls:

In Favour (For)	Responses Against	Results
3	0	100% in favour.

Newspaper Articles - Letters to the Editor:

In Favour (For)	Responses Against	Results
7	3 (+ 1 other)	Approx. 57% in favour.

Police Advisory Committees:

In Favour (For)	Responses Against	Results
2 (unanimous)	1 (Mixed)	Div. #1 & #3 were unanimous, Div. #2 – at least two members had some concerns (66.6%).

Survey:

In Favour (For)	Responses Against	Results
183	28	223 results are in so far – 82.1% of the population support the use of CCTVs and 12.6% do not support their use.

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

17.3

PLANNING AND DEVELOPMENT DEPARTMENT
Building and Licensing Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	April 16, 2003	**Prepared by:**	Douglas Rose 905-546-4586 Judy Downey 905-540-6108

SUBJECT: Harmonized Taxicab By-Law (PD01120(b)) (City Wide)

RECOMMENDATION:

(a) That the existing taxicab by-laws of the municipalities of the former Regional Municipality of Hamilton–Wentworth be repealed as follows:

former Town of Flamborough By-law #90-24-L - taxi and limousine schedule;
former Township of Glanbrook By-law #476-92;
former Town of Ancaster By-law #79-66, amended by By-law #91-02;
former Town of Dundas By-law #4200-95;
former City of Stoney Creek By-law #4413-96, amended by By-laws #4519-97, 5041-99, 5074-00; and
former City of Hamilton By-law #98-203, Schedule 2.

(b) That the harmonized Taxicab By-law attached as Appendix A to Report PD01120(b) be approved.

(c) That the Director, Building and Licensing be authorized and directed to issue temporary taxicab plates for a six-month period subject to a review of taxicab plate activity.

(d) That Schedule 31 of the Hamilton Licensing Code By-Law 01-156 attached as Appendix C of Report PD01120(b) be amended to reflect the addition of a $50 administration fee to appeal decisions by the Issuer of Licences, or his designate, to the Licensing Committee and a $50 late fee for failure to renew a Taxicab Lease Agreement and all fees in Schedule 31 be amended accordingly.

Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The purpose of this report is to outline the implementation of a harmonized Taxicab By-law for the City of Hamilton and indicate the significant changes to the licensing requirements that impact the stakeholders and enforcement of regulations throughout the taxicab industry. The by-law contains regulations that address both the issues of taxi reform throughout the City and the amalgamation of the taxi industries of the former area municipalities. The recommendations approved by Council at their meeting dated September 25, 2002 are attached to this report (Appendix B). The proposed Taxicab Licensing Schedule contains regulations that specifically address the issues identified by the taxi industry, Council and staff :

- Elimination of existing borders of former municipalities
- Owner operated taxicabs and leasing
- Priority list and issuance of taxi plates
- Wheelchair accessible taxicabs
- Customer focus and service
- Quality and age of vehicles
- Driver training and safety
- Increased municipal enforcement
- Other by-law requirements such as taxi fare increase and broker regulations

The report discusses the phase-in of the proposed Taxicab Licensing By-law respecting the leasing, age of vehicles and the installation of taxicab driver safety components.

The by-law will be reviewed by staff and the Taxi Reform Sub-Committee six months following its enactment to measure the impact on the taxicab industry and the level of service provided to the public.

BACKGROUND:

As a result of amalgamation of the six former area municipalities that now comprise the City of Hamilton, staff recommended that a harmonized Taxi By-law was required to address the issues of amalgamation and taxi reform. The issues, which were of concern to City, staff and the taxi industry included:

- The quality, safety and reliability of taxi vehicles
- Customer service
- Aging fleet
- Driver training
- Increased enforcement and by-law issues
- Driver safety
- Absentee owners and passive investors in the taxicab industry
- Inability of taxicab drivers to earn a fair wage

When preparing the proposed Taxicab Licensing By-law, staff adopted the following guiding principles:

- The general public has a right to expect clean, safe taxicabs
- The general public has the right to expect courteous, knowledgeable and qualified drivers
- Drivers have the right to expect a fair return from their labour
- Plate holders have the right to expect a fair return for their investment
- The new City of Hamilton has the right to expect that the by-law will be complied with by the taxi industry

Throughout the review of the amalgamation and reform of the taxi industry extensive consultation was undertaken with the stakeholders to ensure that all participants in the taxicab industry were given an opportunity to provide their opinions and ideas on how to improve the taxicab industry in the City of Hamilton. The initial step was to distribute surveys in the form of questionnaires to all stakeholders in the taxi industry within the six former area municipalities, which requested stakeholders' input respecting the initial recommendations put forth by the Taxi Industry Review Team. Focus group consultations were held within the industry, which included brokers, lessees, drivers and owners. There was an apparent dichotomy from the view from the various participants within the industry. It was evident from the questionnaire and focus group meetings that change within the industry is necessary, but not all groups could agree on what change should be and how this change could be implemented. Further consultation was undertaken with several municipalities to draw comparisons in those areas of concern as identified by the Taxi Industry Reform Sub-Committee.

When preparing the proposed by-law staff looked at best practices from other municipalities including, Ottawa, Mississauga, Toronto, Oshawa, Kitchener/Waterloo and the former municipalities of the City of Hamilton.

After a series of public meetings and staff consulting with each of the licensed brokers respecting the issues of amalgamation and reform, the Taxi Industry Reform Sub-Committee chaired by Councillor Merulla approved the revised recommendations in July 2002, and subsequently these recommendations, Appendix B, were approved by Council. Following Council approval, staff was directed to incorporate the recommendations into a harmonized Taxicab Licensing By-law for the City of Hamilton.

Taxicab Licensing By-law Changes:

The attached by-law contains regulations that address both the issues of amalgamation and taxi reform including:

Elimination of Borders

- The provision that all taxicabs licensed by the City of Hamilton have open access across the new City and not be restricted to their former boundaries that existed prior to amalgamation

Issuance of Taxi Plates

- The provision that no new taxi plates be issued by the City of Hamilton for one year in order to measure the impact of amalgamation on the taxi industry

Priority List

- A merged priority list for the issuance of taxi plates that contains the names from the former priority lists of Stoney Creek and the former City of Hamilton

- The former City of Hamilton and City of Stoney Creek priority lists have been closed since amalgamation. The proposed by-law addresses the process of issuance of plates to those names on the amalgamated priority list. There are now requirements to maintain one's status on the list, and most notably, the requirement that anyone on the priority list must prove to the Issuer of Licences that they have been actively engaged in the taxicab industry.

  'Actively engaged in the industry' requires that the person on the priority list must maintain their licensed status as a taxicab owner, taxicab driver, taxicab dispatcher, taxicab business mechanic or taxicab broker for at least an average of thirty hours per week during at least forty weeks of the previous twelve months in order to remain on the list. Those names currently on the priority list will be given an opportunity to become qualified to retain their status on the list.

Temporary Plate Issuance

- The proposed by-law addresses the issuance of temporary taxicab plates for special events such as the World Cycling Races. Council may authorize the issuance of additional temporary licences for major special events in the City, as determined by Council, expiring upon the termination of the event.

Inactive Taxi Plates

- Inactive plates are addressed in the proposed by-law pursuant to the recommendation of the Taxi Industry Reform Sub-Committee.

- An area of major concern throughout the taxi industry review process was the issue of inactive plates in some of the former area municipalities. The Taxi Reform Sub-Committee requested that all plate owners provide proof that they have been actively engaged in the industry for the past six years. There is the belief by many in the industry that some plate owners have kept their plates in "a drawer and not actively used them". Staff will be reviewing the documentation provided by each of the approximately 400 plate owners to determine if they qualify for a taxi cab owners plate in the new City of Hamilton.

- The documentation to establish direct engagement in the management or day to day operations which shall be submitted to the Issuer of Licences by the applicant for a taxicab owner's licence or a renewal thereof shall include, but not be limited to, the following:

(i) the original or certified copy of the certificate of insurance for the subject vehicle(s);
(ii) the original drivers' lists;
(iii) the original trip sheets;
(iv) the original mechanical safety certificates;
(v) the Customs and Revenue Canada T4 Form for each taxicab driver;
(vi) the City inspection certificates; and,
(vii) vehicle ownership.

- In order to bring some consistency and to be better able to identify which authorized taxicabs are on the road, staff are recommending that temporary plates be issued for a six-month period until the review of the harmonized Taxicab Licensing By-law is complete. Failure to submit the proper documentation or to submit documents that do not prove that the plate was active during the last six years will result in the denial of a taxicab owner's plate as prescribed in the proposed by-law. After the review of the submitted documentation to the Issuer of Licences, if a taxicab owner is denied a licence he will have the option of appealing to the Licence Committee to have his status reviewed.

Actively Engaged in the Taxicab Industry

Taxicab plate owners must be 'actively engaged' in the taxicab industry in order to maintain the ownership of a taxicab plate.

- This requirement directly impacts absentee owners of plates and owners who lease plates.

- Those taxicab owners that lease plates will only be permitted to enter into one lease agreement per taxicab plate and will be required to provide the taxicab vehicle and the applicable insurance. This requirement is a significant change from the existing circumstances where the taxicab owner only provides the plate and the lessee provides the vehicle and applicable insurance.

Leasing Agreements

- Leasing and leasing agreements respecting taxicab plates has undergone a number of changes in the regulations and requirements.

- As described above, owners must now provide the taxicab vehicle and insurance, which has been increased from $1M to $5M third party liability.

- Multi leasing is now prohibited, which means each individual will not be allowed to enter into a lease agreement for more than one taxicab plate. Individuals currently involved in multiple lease agreements will only have one lease agreement renewed following the enactment of the by-law.

- The lessee must personally operate the taxicab for a minimum of five, eight hour shifts per calendar week.

- A $50 administration fee will be charged to a lessee for the late registration of a lease agreement with the Issuer of Licences.

- Effective five years from the enactment of the Taxicab Licensing By-law a taxicab broker shall not act as an agent or party to a lease agreement.

Quality and Age Restrictions on Vehicles

- Age restrictions will be imposed on vehicles, which are authorized to operate as taxis. The age requirement will be phased in over three years.

- Safety Certificates must be obtained from a garage approved by the Issuer of Licences.

- Safety Certificates will be required more than once a year depending on the age and condition of the taxicab vehicle.

Spare Vehicles

- Spare vehicles will be subject to all of the existing regulations in the former City of Hamilton Taxi Licensing By-law, however, the following changes are incorporated in the proposed by-law:

- The use of a spare taxicab shall be limited to operate no greater than seven consecutive days.

- The taxicab owner shall notify the Issuer of Licences prior to placing a spare vehicle in use and identify the licensed taxicab vehicle, which the spare vehicle is replacing.

- The taxicab owner shall be limited to one spare vehicle per five licensed taxicab vehicles to a maximum of three spare vehicles.
  Council recommended that taxicab fares be reviewed by the City in consultation with the Taxi industry every three years to determine the necessity and type of fare increase.

Alcohol and Gaming Commission of Ontario

- Taxicab owners and taxicab driver shall not transport liquor, spirits, beer or any other alcoholic beverage except in strict compliance with the Alcohol and Gaming Regulation and Public Protection Act.

Additional Enforcement

Additional staff were not approved in the 2003 Budget for increased enforcement of the Taxicab Licensing By-law. This will result in a reduced number of taxi safety lanes, a reduction in on-street proactive enforcement, a reduction in the hours of service in the taxi inspection office and will make the new by-law harder to police.

- Licensed taxicab vehicles will no longer be permitted to be operated as a personal vehicle once the vehicle has been authorized to operate as a taxicab.
- Municipal Enforcement Officers have the authority, if the Officer is in the opinion that the vehicle contravenes the Schedule or public safety is at risk, to:
  (i) remove a taxicab from service;
  (ii) remove the City of Hamilton taxi plate from the taxicab;
  (iii) remove the roof sign; and,
  (iv) remove the taxicab meter.

Driver Safety

- Regulations to address driver safety such as the emergency lighting system, which will be required upon enactment of the by-law. The requirement of an in-car camera and a Global Positioning System will be phased in within five years.

Driver Training

- The proposed by-law requires that each new taxicab driver undertake an enhanced and expanded taxi driver training program.
- The driver training program will require that taxicab drivers are able to speak and write in English.
- All existing licensed taxicab drivers will be required to undertake the training program within three years of the enactment of the by-law.

  Staff have been consulting with Mohawk College respecting the development and implementation of a taxicab training program, as well as consulting with other municipalities that currently provide an enhanced training course. In the interim of establishing a prescribed training course, staff has developed an interim taxicab exam that incorporates the testing requirements of the former area municipalities. Once a training program has been established, an update will be provided to the Taxi Reform Sub-Committee for their consideration.

- **Customer Bill of Rights and Driver Bill of Rights**
  - The by-law will provide clear standards that must be met every time a customer enters a taxicab. A customer compliments/complaints hotline will be established to provide passengers with a mechanism to effectively deal with their concerns.
  - The Customer Bill of Rights and a Driver Bill of Rights are required to be posted in each taxicab in order to avert any confusion respecting the rights and responsibilities of either party.
- **Wheelchair Accessible**
  - Regulations respecting wheelchair accessible taxicabs have been included in the proposed by-law; however, the Taxi Industry Reform Sub-Committee directed staff to enter consultation with D.A.R.T.S. to provide this service to the community.

ANALYSIS OF ALTERNATIVES:

Maintain the status quo for the licensing of taxi cab owners, brokers and drivers maintaining the borders of the former municipalities amalgamated into the new City of Hamilton and regulated by each of the existing Taxi By-laws of the former municipalities.

Under the current system, all borders of the former municipalities would be maintained and the taxi industry would not reflect the amalgamation of the new City. Maintaining the status quo would not address the amalgamation and reform issues identified as currently existing in the taxi industry. Moreover, maintaining the status quo would pre-empt the opportunity for change that the amalgamation of the new City has afforded the taxi industry.

Undertaking enforcement to maintain the status quo would require enforcing the five separate existing taxi by-laws in the former municipalities of Ancaster, Dundas, Flamborough, Hamilton and Stoney Creek, with no enforcement in Glanbrook. The manpower required to enforce the maintenance of the existing borders would be an onerous task for the inspectors to enforce.

Implement a one-tiered enhanced licensing program as outlined in the proposed by-law whereby taxi cabs licensed by the new City of Hamilton would have open access across the City and that all previous borders defined by the former municipalities amalgamated into the new City are eliminated.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Building and Licensing Division requested an additional staff in the 2003 Budget. This was not approved. Staff is also recommending harmonization of fees to that of the former City of Hamilton which represents 90% of the licences.

POLICIES AFFECTING PROPOSAL:

The proposed harmonized Taxi Licensing By-law will be included as a schedule of the City of Hamilton Licensing Code By-law No.01-156.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Extensive consultation was undertaken to ensure that all participants in the taxicab industry were given an opportunity to provide their opinions and ideas on how to improve the taxicab industry in the City of Hamilton. The consultation and information gathering process included the following steps.

- The distribution of a questionnaire to all members of the taxi industry, within the six area municipalities seeking their input respecting the initial recommendations put forth by the Licensing and Inspection Task Force.
- Focus Group meetings were held with the various groups within the industry, which included brokers, lessees, drivers and owners.
- Public Meetings held with the Taxi Reform Sub-Committee.
- Review of other municipal models and by-laws.

The development of the proposed by-law was co-ordinated through Legal Services.

CITY STRATEGIC COMMITMENT:

The proposed Taxicab By-law will serve to protect the health and safety of the public. The by-law will ensure that standards are met and maintained within the taxi industry to protect public health and well being, and public safety and security in the City of Hamilton. The proposed changes have a positive impact on the physical health and well being of the public by ensuring that the transportation provided by the taxi industry meets the mechanical safety requirements imposed by the City and the Ministry of Transportation. Specifically, limiting the age of vehicles, additional vehicle inspections, and increased enforcement are expected to have a positive impact on the health and safety of the public, our air quality and the environment in the new City.

The proposed by-law will serve to provide public awareness as to the rights and safety of clients and the rights and safety of the members of the industry providing the taxi service. An improved harmonized Taxi By-law will serve to make available to members of the community a safe mode of transportation to participate fully and safely in activities and events offered throughout the entire new City of Hamilton.

The by-law will improve the ability of all participants to compete on an equal playing field with respect to licensing code requirements and enforcement, improved customer service, and the ability to earn a fair wage.

DR:jd
Attachs. (3)

City of Hamilton

BY-LAW NO.

A By-law to repeal and replace by-law numbers:

Town of Flamborough By-Law #90-24-L - taxi and limousine schedule;
Township of Glanbrook By-Law #476-92;
Town of Ancaster By-Law #79-66, amended by By-Law #91-02;
Town of Dundas By-Law #4200-95;
City of Stoney Creek By-Law #4413-96, amended by By-Laws #4519-97, 5041-99, 5074-00; and
City of Hamilton By-Law #98-203, Schedule 2

A By-Law to provide for
licensing, regulating and governing taxicab brokers, taxicab owners and taxicab drivers of motor vehicles used for hire and for limiting the number of taxicab owner licences.

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WHEREAS it is in the best interests of the public to provide taxicab drivers, owners and brokers from the former municipalities amalgamated into the City of Hamilton open access and harmonized regulation throughout the new boundaries of the City of Hamilton;

AND WHEREAS it is in the best interests of the public to institute safety measures for the public and the taxicab industry and to promote professionalism in the taxicab industry;

AND WHEREAS it is in the best interests of the public to ensure adequate servicing of the public by the taxicab industry;

AND WHEREAS it is provided in the Municipal Act, 2001 that by-laws may be passed for licensing, regulating and governing taxicab owners and drivers of taxicabs, buses, motor and other vehicles used for hire or any class or classes thereof, and for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers, either wholly within the municipality or to any point not more than 5 kilometres beyond its limits, and for providing for collection of such rates or fares and for suspending and revoking any such licences; and that by-laws may be passed for licensing, regulating and governing businesses;

AND WHEREAS pursuant to the Municipal Act, 2001, the City of Hamilton may, within the limitations therein set out, licence, regulate and govern the taxi industry;

AND WHEREAS the City of Hamilton enacted By-Law 01-156, known as the *City of Hamilton Licensing Code*, and hereby amend Schedule 25 of the said By-Law 01-156

BE IT THEREFORE ENACTED by the Municipal Council of the City of Hamilton, as an Amending By-Law, Schedule 25 to By-Law 01-156 thereof as follows:

1. DEFINITIONS AND INTERPRETATION

(a) In this Schedule:

(1) "accessible taxicab" means a motor vehicle approved for use as a taxicab by the Issuer of Licences and originally constructed or subsequently modified to permit the loading, transportation and off-loading of persons confined to a wheelchair, or similar device used to assist the disabled, without transfer and which motor vehicle complies with Ontario Regulation 167/81, as amended and Canadian Standards Association's Standard D409-M84;

(2) "accessible taxicab driver" means a licensed taxicab driver whose taxicab driver's licence has been endorsed by the Issuer of Licences to permit the licensee to drive an accessible taxicab in the City of Hamilton;

(3) "accessible taxicab owner" means a licensed taxicab owner whose taxicab owner's licence has been endorsed by the Issuer of Licences to permit the operation of an accessible taxicab in the City of Hamilton;

(4) "applicant" means a person applying for a licence or renewal thereof under this Schedule;

(5) "authorized sign" means a parking sign as described in this Schedule;

(6) "By-Law" means By-Law 01-156 unless the context refers otherwise;

(7) "carry on" when used in reference to a taxicab or to a taxicab brokerage business means to continuously operate, engage, drive, or make a taxicab available for the conveyance of passengers for hire or reward and includes waiting for, accepting, or dispatching orders;

(8) "City" means the City of Hamilton;

(9) "Committee" means the Licensing Committee of the City;

(10)"continuously operate" means to drive a licensed taxicab and/or to make the licensed vehicle available to the public for the conveyance of passengers for a minimum of eight (8) hours per day for at least five (5) days per calendar week throughout the calendar year save and except for suspensions of operation due to necessary repairs provided that they are made within fourteen (14) calendar days or due to necessary vehicle replacement due to fitness or age reasons provided that it is completed within thirty (30) calendar days;

(11)"conveyance" means to carry, transport, transfer or move;

(12)"Council" means the Council of the City of Hamilton;

(13)"disabled" means any physically, emotionally or mentally handicapped person who is unable because of mobility impairment to use a regular public transit facility;

(14)"disabled passenger" means a passenger who is physically disabled;

(15)"dispatch" means the communication of an order or information in any manner between a taxicab broker and a taxicab driver;

(16) "driver's licence" means a licence issued to a taxicab vehicle driver under this Schedule and "licensed driver" has a corresponding meaning;

(17)"dues" means any amount of money charged by a taxicab broker to a taxicab owner to receive orders from the taxicab broker;

(18) "fare" means the amount of money displayed on the taxicab meter at the conclusion of a trip, or the flat rate allowed under this Schedule for the trip, together with any additional charges allowed under this Schedule and, where the context so requires, shall also refer to the Tariff/Fare rates set out in Appendix "1" of this Schedule;

(19)"Fees Schedule" means Schedule "31" of By-Law 01-156 (Licence and Examination Fees), as amended from time to time;

(20)"fleet" means one or more taxicabs being dispatched by one taxi broker or owned by the same person;

(21)"fleet owner" means the owner of a fleet;

(22)"grossly unclean person" means a person covered in an amount of dirt and/or other material so excessive that if transported by the driver, the state of the person could leave the interior of the vehicle in a unclean state;

(23)"highway" includes a road allowance, a common and public highway, street, avenue, parkway, boulevard, square, place, bridge, viaduct or trestle, designed and intended for or used by the general public for the passage of vehicles;

(24)"Highway Traffic Act" means the Highway Traffic Act R.S.O. 1990 c.H. 8, as amended, and the regulations thereunder;

(25)"Issuer of Licences" means the Issuer of Licences of the Planning and Development Department, Building & Licensing Division, of the City of Hamilton or his or her designates;

(26)"lease" means any contract, agreement, understanding or other arrangement whereby an owner permits another person to manage, operate, control, have custody of, or otherwise employ his or her licensed vehicle and owner's plate, other than permitting a driver to drive the taxicab for one normal driver's shift where the taxicab is returned to the owner at the end of such shift; and "to lease a licensed vehicle" includes the act of any owner in entering into or becoming a party to such a contract, agreement, understanding or other arrangement. Without limiting the generality of the foregoing, "lease" also includes a power of attorney, management contract and any other arrangement or agreement whereby any person other than an owner is allowed to exercise or does exercise any of the rights set out herein;

(27)"lease agreement" means a written agreement wherein a limited interest in a licence is temporarily transferred by a taxicab owner, and containing terms and conditions prescribed in section 37 and any other terms and conditions not contrary to this Schedule;

(28)"lessee" means a person who is either a licensed taxicab owner or taxicab driver under this Schedule and who has entered into a lease with a licensed taxicab owner through which the person acquires certain rights from the owner and under takes to fulfil certain responsibilities with respect to the use of the taxicab owner's licence, licence plate and vehicle;

(29)"lessor" means a taxicab owner licensed under this Schedule and who has entered into a lease with a licensed taxicab owner or taxicab driver through which the owner gives certain rights but maintains the responsibility to ensure that the lessee carries on or engages in the conveyance of passengers while in compliance with the provisions of this Schedule;

(30)"licence" means the document issued, pursuant to this Schedule, to an applicant for same by the City as evidence of being licensed under this Schedule;

(31)"licensee" means any person licensed under this Schedule;

(32)"licensed" means licensed under this Schedule;

(33)"motor vehicle" means an automobile and any other vehicle propelled or driven other than by muscular power, but does not include the cars of electric or steam railways, or a motorized snow vehicle, traction engine, farm tractor, self propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act R.S.O. 1990 c.H. 8;

(34)"Municipal Act, 2001" means the Municipal Act, 2001, S.O. 2001, c. 25, as amended, and any regulations thereunder;

(35) "new taxicab owner's licences" means taxicab owner's licences issued after the date of enactment of this Schedule save and except renewals or approved transfers of taxicab owner's licences existing at the date of the enactment of this Schedule;

(36)"Officer" means a Provincial Offences Officer, a Municipal Law Enforcement Officer appointed by the Council and a Police Officer;

(37)"order" means a request for the conveyance of passengers by a taxicab received by a taxicab broker;

(38)"owner's plate" means a metal vehicle licence plate bearing a number specific to a vehicle issued to a taxicab owner under this Schedule;

(39)"passenger" means any person in a taxicab other than the driver;

(40)"party" means any person who has an interest in any premise or vehicle licensed under this Schedule and includes the City;

(41)"person" includes an individual, partnership, corporation, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;

(42)"Priority List" means the list of applicants for a taxicab owner's licence maintained by the Issuer of Licences with names set out thereon in chronological order as to the date and time of receipt of application as set out in Appendix "4" to this Schedule. ;

(43)"public place" means places to which the public is invited and include parking lots, plazas, municipal properties and road allowances;

(44)"registered owner" means the person shown to be the owner of a motor vehicle according to the records maintained by the Registrar of Vehicles for the Province of Ontario;

(45)"revoke" means to withdraw or rescind;

(46)"Schedule" means Schedule 25 to By-Law 01-156;

(47)"spare vehicle" means a vehicle that has been authorized by the Issuer of Licences to be used as a taxicab in substitution for a vehicle for which an owner's licence has been issued, pursuant to the provisions of this Schedule;

(48)"sub-lease" means an agreement between a lessee and a person under which the lessee provides certain rights that he or she has acquired from a licensed owner and where the person undertakes to fulfil certain responsibilities to the lessee;

(49) "Tariff card" means the card issued by the Issuer of Licences setting out the tariff/fares set out in Appendix "1" and shall at all time be and remain the property of the City;

(50)"taxicab" has the following meanings:

(i) for the purposes of Sections 2 and 5, a motor vehicle as defined in the Highway Traffic Act, used for the conveyance of passengers for hire, compensation or reward

(ii) a motor vehicle as defined in the Highway Traffic Act, used for the conveyance of passengers for hire, compensation or reward for one specific trip exclusively of one person or group of persons, that is approved for use by the Issuer of Licences and equipped with a taximeter and four (4) accessible doors and has a seating capacity of not less than four (4) persons, including the driver, and not more than ten (10) persons, including the driver, and may include a van type vehicle having not less than three doors;

(iii) a vehicle with the following characteristics: providing transportation on demand, where the location of boarding of the passenger and the destination is unknown in advance of the request of the passenger, where the passenger chooses the destination, where there are no set routes, schedules or stops for boarding, and where any repeat or regular trips by a passenger or passengers are made based on the passengers need or needs for transportation without a relation to the special features of the vehicle;

(51)"taxicab broker" means any person who carries on the business of accepting calls, orders and/or dispatching taxicabs that are used for hire;

(52)"taxicab driver" means a person who is licensed as such or required to be licensed as such under this Schedule and includes a taxicab owner who drives a taxicab;

(53)"taxicab owner" means a person who is licensed as such or required to be licensed as such under this Schedule and includes a lessee, licensed under this Schedule, of a taxicab owner's vehicle;

(54) "taximeter" means a measuring device used in a taxicab to calculate the fare payable for a meter trip;

(55)"taxicab stand" means a stand or place on a highway or area of land set aside or assigned by the City for the purpose of providing a site for use by a taxicab or taxicabs while it is waiting for, picking up, or otherwise carrying on or engaged in the conveyance of passengers and that is marked by signs authorized under Appendix "3" to this Schedule;

(56)"trip" means the distance and time travelled or the distance and time to be travelled measured from the time and point at which the passenger first enters the taxicab or when the meter is first engaged to the time and point at which the passenger finally leaves the taxicab or the meter is disengaged;

(57)"trip sheet" means the written record of the details of each trip of a taxicab as prescribed in this Schedule; and

(58)"vehicle" means a motor vehicle.

(b) In this Schedule unless the context otherwise requires words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context so requires.

2. SCOPE and APPLICATION OF SCHEDULE

(1) The licensing and fare provisions of this Schedule shall apply to the owners and drivers of taxicabs while waiting for or carrying on or being engaged in the conveyance of passengers originating from any point within the City and to taxicab brokers if any part of the business is carried on within the City even where the business premises of the brokerage business is located outside the City.

(2) This Schedule shall apply to brokers, owners and drivers of taxicab vehicles kept or used for hire in the City of Hamilton. The tariff/fare rates contained in Appendix "1" attached hereto and forming part of this Schedule shall apply respectively for use of taxicabs wholly within the City or to any point not more than 5 kilometres beyond its limits.

(3) This Schedule shall apply to any person who is operating a "taxicab" or an "accessible taxicab" of any type defined in this Schedule when engaged in the provision of a motor vehicle for hire that is licensed and regulated by the provisions of this Schedule.

3. EXEMPTIONS

(1) The licensing and fare provisions of this Schedule shall not apply to the owners and drivers of taxicabs while:

(i) engaged in the conveyance of goods or passengers from any point within the City to any point beyond the boundaries of the City where the conveyance is made to an airport owned and operated by the Crown in Right of Canada by a taxicab bearing a valid and subsisting plate issued in respect of the airport under the Government Airport Concession Operations Regulations under the Department of Transport Act (Canada); and

(ii) engaged in the conveyance of a disabled person, pursuant to a written contract provided the provisions of Section 38 of this Schedule are complied with, from any point within the City to any point outside the City.

(2) No person shall be required to be licensed under the provisions of this Schedule for the operation of an ambulance or a funeral hearse.

(3) The operation of a motor vehicle that has seating for 10 or more persons excluding the driver, does not require a licence under this Schedule.

(4) A motor vehicle operated by or on behalf of the City of Hamilton as part of a public transportation service, including a public transportation service for the transportation of senior citizens or disabled persons, and in particular including a vehicle owner or operated by the Hamilton Street Railway Company or a motor vehicle owner or operated by the Disabled and Regional Transit System (hereinafter called "DARTS"), or being a subcontractor to DARTS, is exempt from the requirement for an owners or drivers licence under Schedules 8 and 25 of By-Law 01-156, as amended.

(5) The transportation of students for hire, to and from school within the City of Hamilton where the vehicle used is a school bus that is licensed under the Public Vehicles Act, R.S.O. 1990, c.54 does not require a licence under Schedules 8 or 25 of By-Law 01-156, as amended. In this Schedule, the words "school" and "school bus" shall have the meanings provided in subsection 175(1) of the Highway Traffic Act.

(6) A motor vehicle licensed under the Public Vehicles Act, being used for the transportation of children, deemed to be of special need by the school board or other authority in charge of the school hiring the transportation, does not require a licence under Schedules 8 and 25 of By-Law 01-156, as amended. In this Schedule, a reference to "special need" shall be deemed a reference to needs as provided for in writing in the Transportation Policy of the Board of Education for the City of Hamilton, and The Hamilton-Wentworth Roman Catholic Separate School Board Transportation Policy and Regulations of such school board or other authority in charge of the school, as may be amended or added to from time to time, or as a board or other authority may accommodate under section 190 of the Education Act, R.S.O. 1990, c.E.2.

(7) A motor vehicle providing transportation under contract exclusively for children, and operating in a manner distinct from taxicab is exempt from the requirement for an owner's or driver's licence under Schedules 8 and 25 of By-Law 01-156, as amended;

For the purposes of the foregoing, the following meanings shall apply:

(i) "contract" means a written agreement to provide regular transportation services, for the taking of passengers to and from a specific location or to accommodate a need in common to the passengers in addition to transportation, with a term of at least one month, with fees for service fixed in the agreement and not by the metering of time or mileage of actual trips, and includes an agreement with a facility as opposed to the passengers; and

(ii) "manner distinct from taxicab" means lacking one or more characteristics of a taxicab.

4. SHORT TITLE

This Schedule shall be known as "A By-Law to Regulate Taxicabs and Taxicab Drivers, Owners and Brokers".

5. GENERAL PROHIBITIONS

(1) No person shall act as or hold oneself out to be a driver of a taxicab or to otherwise carry on or engage in the conveyance of passengers for hire or compensation within the City unless licensed as a driver under this Schedule.

(2) No person shall act as or hold oneself out to be the owner of a taxicab or otherwise carry on or engage in the conveyance of passengers for hire or compensation within the City unless licensed as an owner under this Schedule.

(3) No person shall act as or hold oneself out to be a broker of a taxicab or otherwise carry on or engage in the business of accepting orders and dispatching taxicabs for the conveyance of passengers within the City unless licensed as a taxicab broker under this Schedule.

(4) No person shall use or operate a motor vehicle to convey persons for hire or compensation or otherwise carry on or engage in the conveyance of passengers within the City except under the authority of a taxicab driver or taxicab owner's licence.

(5) No person shall represent or cause to be represented that he or she is licensed as a driver, owner or broker of a taxicab if he or she is not licensed under this Schedule.

(6) No person, other than a driver of a taxicab licensed under this Schedule, shall park a vehicle at any stand marked as a taxicab stand by authorized signs.

(7) No person licensed under this Schedule, when requested to do so by an Officer, shall fail to produce or deliver his or her licence and/or any other relevant documents or things required by this Schedule.

(8) No person shall obstruct an Officer while engaged in duties under this Schedule.

(9) No person shall operate a taxicab or act as a driver, owner or broker of a taxicab while such person's licence is under suspension.

(10) No person licensed as an owner or a broker of a taxicab pursuant to this Schedule shall acquiesce in or permit a driver, whose licence is under suspension, to drive a taxicab under the power or control of such owner or broker.

6. GENERAL DUTIES - TAXICAB DRIVERS/OWNERS/BROKERS

(1) There shall be taken out by every driver, owner and broker of a taxicab, a licence from the City authorizing such person to carry on or to engage in the conveyance of passengers for hire or compensation in the City.

(2) Where a person is required to obtain a licence under subsection (1),

(a) a separate licence certificate shall be issued for each licence applied for, and

(b) a separate licence certificate shall be issued for each taxicab.

(3) Every licence certificate issued to a taxicab owner or a taxicab broker shall clearly identify the one vehicle in respect of which the licence was issued to such taxicab owner or taxicab broker.

(4) Every driver, owner and broker of a taxicab shall report to the Issuer of Licences and/or an Officer, as required, pursuant to the provisions of this Schedule.

(5) Every driver, owner and broker of a taxicab shall provide to the Issuer of Licences and any Officer enforcing this Schedule, upon request and/or when required pursuant to this Schedule, all records and documents required to be prepared, retained and/or produced pursuant to this Schedule.

7. GENERAL DUTIES – ISSUER OF LICENCES

The Issuer of Licences shall be responsible:

(1) to receive and process all applications for licences and for the renewal of licences to be issued under this Schedule;

(2) to recommend the issuance and renewal of licences for applicants who meet the requirements of this Schedule;

(3) to enforce the provisions of this Schedule;

(4) to generally perform all of the administration functions required by this Schedule;

(5) upon receipt of an application for a licence or renewal thereof or a leasing agreement proposal made pursuant to this Schedule, make or cause to be made all investigations required by law, this Schedule or by the Committee relative to such application;

(6) be responsible for the issuance, suspension and revocation of all licences pertaining to this Schedule;

(7) when required, provide to applicants for licences under this Schedule the appropriate examination paper to be completed;

(8) maintain a record of all licences issued including the name and address of each licensee and the number of taxicabs owned by each licensee;

(9) maintain a record of each vehicle licensed hereunder including the make, model, year, serial number, the Provincial licence plate number; the taxicab owner plate number, and the date of the issuance of each licence;

(10) issue a licence plate to each licensed taxicab owner;

(11) issue a Tariff card to each licensed taxicab driver; and

(12) issue a photo identification card to each licensed taxicab driver.

8. LICENSING PREREQUISITES – TAXICAB DRIVERS

(1) No person shall be licensed or have a licence renewed as a taxicab driver:

(a) unless such person attends in person and not by agent or representative at the Issuer of Licences offices of the City and completes a written application for such a licence or a renewal thereof;

(b) unless such person pays all required fees, pursuant to this Schedule, the Fees Schedule and/or By-Law 01-156, to the Issuer of Licences;

(c) unless such person pays all outstanding fines and/or penalties imposed in accordance with the Municipal Act, 2001 and/or the Provincial Offences Act to the Issuer of Licences for contravention(s) of this Schedule and/or By-Law 01-156;

(d) unless such person completes all application forms required under this Schedule, or as required by the Issuer of Licences from time to time, and files same with the Issuer of Licences;

(e) unless such person fully completes an application for a taxicab driver's licence in a form prescribed by and available from the Issuer of Licences;

(f) unless such person provides proof to the Issuer of Licences that:

(i) he or she is at least eighteen (18) years of age and a citizen of Canada, a landed immigrant, or produces a valid work permit to work as a taxicab driver, issued by the Government of Canada.

(ii) he or she holds in his or her name a current, valid, full Class "G" Provincial motor vehicle driver's licence issued by the Province of Ontario under the provisions of the Highway Traffic Act; which is in good standing according to the laws of the Province of Ontario and Canada and the records of the Ministry of Transportation.

(iii) he or she is able to speak, read and write the English language; and

(iv) they have completed the approved service and skills training program(s) required by the Issuer of Licences under this Schedule;

(g) unless such person provides a letter of intent to employ from a licensed taxicab owner, lessee or taxicab broker for whom he or she will be driving;

(h) unless such person provides a Police Security Clearance Record Check and a Ministry of Transportation driver's abstract, dated no later than thirty-six (36) days prior to the application for a licence or renewal thereof, to the Issuer of Licences;

(i) unless such person meets the requirements of sections 5, 50, 51, 56 and 57 of this Schedule relating to driver duties; and

(j) where an investigation conducted under section 7(5) of this Schedule reveals that an applicant is not entitled to be licensed under section 23 of this Schedule.

Service And Skills Training Program

(2) No person shall be licensed as a taxicab driver:

(a) unless the applicant for a licence, before a licence is issued, undertakes and successfully completes a service and skills training program, as prescribed by the Issuer of Licences, including an in-car component, as well as in-class tests and sessions encompassing geography, customer service, tourism, hospitality, defensive driving, communication skills, cab maintenance, Schedule 25 provisions and monetary transactions. Without limiting the foregoing, the applicant for a licence, before a licence is issued, shall demonstrate a satisfactory knowledge of,

(i) the operation of a taxicab and of this Schedule and By-Law 01-156, as it relates to taxicabs;

(ii) the laws and regulations pertaining to traffic and motor vehicles;

(iii) the relationship between taxicab drivers and limousines drivers in respect of passengers including duties, behaviours, appearance, decorum;

(iv) the use of the equipment part of taxicabs including two-way radio, taximeter, required emergency equipment and roof lights;

(v) the use of trip sheets, making damage reports and record keeping; and

(vi) the location of streets, public buildings, hospitals, transportation terminals, points of interest and use of street guides;

(b) In the interim, prior to the implementation of the service and skills training program by the City set out in subsection 8(2)(a), the applicant for a licence, before a licence is issued, shall undertake and successfully complete one or more written tests set by the Issuer of Licences pertaining to his or her knowledge of,

(i) the operation of a taxicab and of this Schedule and By-Law 01-156, as it relates to taxicabs;

(ii) the laws and regulations pertaining to traffic and motor vehicles;

(iii) the relationship between taxicab drivers and limousines drivers in respect of passengers including duties, behaviours, appearance, decorum;

(iv) the use of the equipment part of taxicabs including two-way radio, taximeter, required emergency equipment and roof lights;

(v) the use of trip sheets, making damage reports and record keeping; and

(vi) the location of streets, public buildings, hospitals, transportation terminals, points of interest and use of street guides;

(3) Notwithstanding the provisions of subsection 8(2)(a), taxicab drivers licensed at the time of the enactment of this Schedule shall be required to undertake and complete an updating service and skills training program, as prescribed by the Issuer of Licences, within three (3) years from the date of the enactment of this Schedule unless the Issuer of Licences determines, in his or her opinion, that circumstances warrant that a driver should undertake and complete the updating service and skills training program at or within an earlier time period or should undertake and complete the full service and skills training program before renewal of his or her licence;

(4) Only those persons successfully completing the required service and skills training program will be issued a taxi driver licence or renewal thereof in the City of Hamilton, and all such drivers shall be required to undergo updating or re-testing as deemed necessary by the Issuer of Licences;

(5) Notwithstanding any other provision of this Schedule, no licence shall be issued to an applicant nor any licence renewed unless such person applying, if required to undertake and complete any testing, updating or re-testing program, including but not limited to those programs stipulated in subsections 8(2)(a) and (b),

(i) receives a mark of at least seventy-five percent (75%) on the first attempt in each section of the written tests and other examinations of such program; or

(ii) receives a mark of at least eighty-five percent (85%) on the second or any subsequent attempt in each of the written tests and other examinations of such program.

(iii) Only three (3) attempts to successfully undertake and complete the interim testing program, as set out in subsection 8(2)(b), may be made by an applicant for a licence. This provision shall not limit the right of an applicant to attempt the service and skills training program set out in subsection 8(2)(a).

(6) The City of Hamilton shall undertake a regulatory role in the provision of the driver service and skills training and testing programs with the administrative role being carried out by educational institutions approved by the Issuer of Licences.

9. LICENSING PREREQUISITES – TAXICAB OWNERS

No person shall be licensed as a taxicab owner or have such a licence renewed:

(1) unless such person attends in person and not by agent or representative at the Issuer of Licences offices of the City and completes a written application for such a licence or a renewal thereof,

(a) where the applicant is a partnership, a partner shall attend for the purpose of subsection 9(1);

(b) where the applicant is a corporation the application shall be completed and filed personally by an officer or director of the Corporation having signing authority for the purpose of subsection 9(1);

(2) unless such person pays all required fees and completes and files all application forms required under this Schedule with the Issuer of Licences;

(3) unless such person fully completes an application for a taxicab owner's licence in a form prescribed by and available from the Issuer of Licences;

(4) unless:

(a) such person is licensed as a taxicab driver under this Schedule and where the person is a corporation, the person holding shares carrying at least fifty-one percent (51%) of the voting rights attached to all shares of the corporation for the time being issued and outstanding shall be a taxicab driver holding current and valid taxicab driver licence under this Schedule;

(b) if no one person holds at least fifty-one percent (51%) of the voting rights of the corporation, then the minority shareholder, holding the greatest percentage of the voting rights attached to all shares of the corporation for the time being issued and outstanding, shall be a taxicab driver holding current and valid taxicab driver licence under this Schedule. Where among the minority shareholders there are more than one minority shareholder holding the greatest percentage of the voting rights attached to all shares of the corporation for the time being issued and outstanding, the corporation shall designate the minority shareholder among such group who shall be a taxicab driver holding current and valid taxicab driver licence under this Schedule.

(5) unless such person files with the Issuer of Licences proof that he or she holds a current passenger motor vehicle permit which is in good standing and was issued only in the applicant's name by the Ontario Ministry of Transportation for the motor vehicle of which he or she is the owner;

(6) unless such person produces and files with the Issuer of Licences, either an Ontario Ministry of Transportation Vehicle Inspection Report, showing that the vehicle to be licensed has been approved and accepted, within the previous thirty-six (36) days, or a safety standards certificate issued under the Highway Traffic Act R.S.O. 1990, c. H. 8 within thirty-six (36) days of application;

(7) unless such person produces and files with the Issuer of Licences, a copy of a current and valid Ontario Standard Automobile Insurance policy for the vehicle for which such person is the owner and the policy shall be endorsed to provide that the Issuer of Licences will be given at least thirty (30) days' notice in writing prior to any cancellation, expiration or change in the coverage amount or terms of the policy and the policy shall have a third party liability limit of no less than $5,000,000.00 per occurrence, exclusive of interest and costs, indemnifying and protecting the owner and the public, including passengers and goods carried in such vehicles, inclusive of public liability and property damage;

(8) unless, where the applicant is an individual or a partner of a partnership, such person provides proof that he or she is at least eighteen (18) years of age;

(9) unless, where the applicant is a corporation, the applicant has submitted to the Issuer of Licences a copy of the incorporating documentation, a copy of the last initial notice/notice of change which has been filed with the appropriate government department and a Certificate of Status issued by the Ministry of Consumer and Business Services;

(10) unless, where the applicant is a corporation, the applicant has provided details of the corporate ownership in a form acceptable to the Issuer of Licences;

(11) unless, where the applicant is a partnership, the applicant has provided details of the partners and interests in the partnership of each such partner in a form acceptable to the Issuer of Licences;

(12) unless such person provides a Police Security Clearance Record check, dated no later than thirty-six (36) days prior to the application for a licence or renewal thereof, to the Issuer of Licences,

(a) in the case of a partnership, the Police Security Clearance Record check shall be of each partner; and

(b) in the case of a corporation, the Police Security Clearance Record check shall be of each officer, director and shareholder;

(13) unless the vehicle registered in the persons name meets the requirements of sections 41 to 46, inclusive, of this Schedule relating to vehicle approval;

(14) unless such person provides on his or her own or in conjunction with a licensed taxicab broker, a suitable office for the carrying on or engaging in his or her business and keeps the same orderly, clean and neat;

(15) unless the applicant, and in the case of a Corporation an officer of the Corporation, files with the Issuer of Licences a valid certificate of completion of an approved service and skills training program required pursuant to this Schedule by the Issuer of Licences;

(16) unless the applicant for a taxicab owner's licence has been directly and actively engaged in taxicab industry for a period of at least twelve (12) months preceding the date of application;

(a) For the purposes of subsection 9(16), "directly and actively engaged in the taxicab industry" shall mean active for an average of at least 35 hours per week during at least forty (40) weeks of the previous twelve (12) month period, preceding the date of application for a licence, in the City of Hamilton taxicab industry in the capacity of a licensed taxicab driver, a licensed taxicab owner, a licensed taxicab broker, a taxicab dispatcher, a taxicab telephone service operator or a taxicab business mechanic;

(b) where an applicant has on account of illness, injury or other medical reasons been unable to meet or fulfil the requirements of subsections 9(16), the applicant may complete and file with the Issuer of Licences in lieu thereof a sworn Declaration so stating, together with supporting documentation including a medical certificate from a physician certified to practice in the Province of Ontario and such other evidence as the Issuer of Licences may require and a sworn declaration that he or she has actually engaged in the taxicab industry on a full time basis in the City as,
(i) a licensed taxicab driver,
(ii) a licensed taxicab owner,
(iii) a licensed taxicab broker,
(iv) a taxicab dispatcher,

(v) a taxicab telephone service operator, or
(vi) a taxicab business mechanic,
for a period of not less than one (1) year immediately preceding the onset of the medical disability and during any period that the applicant was able to be so actively engaged during the year preceding the date of application and is, at the date of application, fit to undertake active engagement in the management or day to day operations of his or her taxicab(s) as defined in subsection 9(17)(a).

(17) unless the applicant for the renewal of a taxicab owner's licence has been directly and actively engaged in the management or day to day operations of his or her taxicab for a period of at least twelve (12) months preceding the date of application;

(a) For the purposes of subsection 9(17), "directly and actively engaged in the management or day to day operations of his or her taxicab(s)" shall mean active for an average of at least 35 hours per week during at least forty (40) weeks of the previous twelve (12) month period, preceding the date of application for a licence or renewal thereof, in the City of Hamilton in the capacity of a licensed taxicab owner;

(b) where an applicant has on account of illness, injury or other medical reasons been unable to meet or fulfil the requirements of subsections 9(17), the applicant may complete and file with the Issuer of Licences in lieu thereof a sworn Declaration so stating, together with supporting documentation including a medical certificate from a physician certified to practice in the Province of Ontario and such other evidence as the Issuer of Licences may require and a sworn declaration that he or she has actually engaged in operating a taxicab on a full time basis in the City as a licensed taxicab owner for a period of not less than one (1) year immediately preceding the onset of the medical disability and during any period that the applicant was able to be so actively engaged during the year preceding the date of application and is, at the date of application, fit to resume active engagement in the management or day to day operations of his or her taxicab(s).

(18) upon enactment of this Schedule, every then holder of a taxicab owner's licence shall provide proof that he or she has been directly and actively engaged in the management or day to day operations of his or her taxicab(s) for the past six (6) years preceding the date of application to be eligible to apply for a renewal of such taxicab owner's licence.

(a) For the purposes of subsection 9(18), "directly and actively engaged in the management or day to day operations of his or her taxicab(s)" shall mean active in the City of Hamilton in the capacity of a licensed taxicab owner for an average of at least 35 hours per week during at least forty (40) weeks of each twelve (12) month period in the six (6) years preceding the date of application for a renewal of such taxicab owner's licence;

(b) where an applicant has on account of illness, injury or other medical reasons been unable to meet or fulfil the requirements of subsections 9(18), the applicant may complete and file with the Issuer of Licences in lieu thereof a sworn Declaration so stating, together with supporting documentation including a medical certificate from a physician certified to practice in the Province of Ontario and such other evidence as the Issuer of Licences may require and a sworn declaration that he or she has actually engaged in operating a taxicab on a full time basis in the City as a licensed taxicab owner for a period of not less than six (6) years immediately preceding the onset of the medical disability and during any period that the applicant was able to be so actively engaged during the year preceding the date of application and is, at the date of application, fit to resume active engagement in the management or day to day operations of his or her taxicab(s).

(19) The documentation to establish direct and active engagement, as required by subsections 9(16), (17) and (18), which shall be submitted to the Issuer of Licenses by the applicant for a taxicab owner's licence or a renewal thereof shall include, but not be limited to, the following:

- (i) the original or certified copy of the certificate of insurance for the subject vehicle(s);
- (ii) the original drivers' lists;
- (iii) the original trip sheets;
- (iv) the original mechanical fitness and safety certificates issued under the Highway Traffic Act;
- (v) the Customs and Revenue Canada T4 Form for each taxicab driver;
- (vi) the City inspection certificates; and
- (vii) vehicle ownership;

(20) unless such person meets the requirements of Sections 5, 52, 53, 56 and 57 of this Schedule relating to owner duties; and

(21) where an investigation conducted under Section 7(5) of this Schedule reveals that the applicant is not entitled to be licensed under Section 23 of this Schedule.

9.1 LICENSING PREREQUISITES – ACCESSIBLE TAXICAB OWNERS

(1) Each applicant for an accessible taxicab owner licence or renewal thereof shall:

(a) be a licensed taxicab owner with the City of Hamilton in accordance with the provisions of this Schedule and meet the prerequisites thereof;

(b) submit his or her taxicab owner licence to the Issuer of Licences for endorsement to permit the use of the licensed vehicle as an accessible taxicab.

10. LICENSING PREREQUISITES - TAXICAB BROKERS

No person shall be licensed as a taxicab broker or have such a licence renewed:

(1) unless such person attends in person and not by agent or representative at the Issuer of Licences offices of the City and completes a written application for such a licence or a renewal thereof and where the applicant is a corporation, the application shall be completed and filed personally by an officer or director of the Corporation having signing authority;

(2) unless such person pays all required fees and completes and files all application forms required under this Schedule with the Issuer of Licences;

(3) unless such person fully completes an application for a taxicab broker's licence in a form prescribed by and available from the Issuer of Licences;

(4) unless, where the applicant is an individual or a partner, such person provides proof that he or she is at least eighteen (18) years of age;

(5) unless such person provides a Police Security Clearance Record check, dated no later than thirty-six (36) days prior to the application for a licence or renewal thereof, to the Issuer of Licences,

(a) in the case of a partnership, the Police Security Clearance Record check shall be of each partner; and

(b) in the case of a corporation, the Police Security Clearance Record check shall be of each officer, director and shareholder;

(6) unless, where the applicant is a corporation, the applicant has submitted to the Issuer of Licences a copy of the incorporating documentation, a copy of the last initial notice/notice of change which has been filed with the appropriate government department and a Certificate of Status issued by the Ministry of Consumer and Business Services;

(7) unless, where the applicant is a corporation, the applicant has provided details of the corporate ownership in a form acceptable to the Issuer of Licences;

(8) unless, where the applicant is a partnership, the applicant has provided details of the partners and interests in the partnership of each such partner in a form acceptable to the Issuer of Licences;

(9) unless such person provides proof to the Issuer of Licences that the premises from which he or she intends to operate, carry on or engage in the business of a taxicab broker, on his or her own or in conjunction with a licensed taxicab owner, are situated within the limits of the City and will continue to be so situated throughout the term of his or her licence and are suitable for the operation of, carrying on or engaging in the taxicab broker business and that such premises will be kept orderly, clean and neat and comply with applicable zoning;

(10) unless such person provides proof to the Issuer of Licences that he or she has a satisfactory system for receiving and dispatching calls for the taxicabs operating within his or her fleet, and that such system will not interfere with the operation of the taxicabs of another taxi broker, taxicab owner or fleet;

(11) where, on application for renewal of a broker's licence, the licensee has not complied with Sections 5, 54, 55, 56 and 57 of this Schedule or where the licensee has not returned the licence issued for the year immediately prior to renewal; and

(12) where an investigation conducted under section 7(5) of this Schedule reveals that the applicant is not entitled to be licensed under section 23 of this Schedule.

11. LICENCE FEES

The licence fees to be paid to the City for those licences referred to in this Schedule shall be as outlined in the Fees Schedule (Schedule "31" of By-Law 01-156, as amended from time to time).

12. TERMS AND CONDITIONS

Notwithstanding any other provision of this Schedule, the Council, on the recommendation of the Committee, may issue a licence or renew a licence subject to such terms and conditions as are necessary to give effect to the intent and purpose of this Schedule and By-Law 01-156 if first consented to by the applicant or licensee or if recommended by the Issuer of Licences during a hearing or after a hearing as provided in section 24 of this Schedule.

13. LIMITATIONS

(1) The following limitations are imposed on the issuance of taxicab owner licences in the City of Hamilton:

(a) A licence issued under the provisions of this Schedule shall expire one year from the date of issue or on the date specified on the licence, unless renewed or previously suspended or revoked,

(b) No new taxicab owner's licences shall be issued by the City of Hamilton for one year from the date of enactment of this Schedule to measure the impact of amalgamation on the taxi industry.

(c) The issuance of new taxicab owner's licences shall be in accordance with the current ratio of taxicab owners' licences to population of one (1) taxicab owner's licence per 1,170 population.

(2) Notwithstanding any other provision of this Schedule, no taxicab owner's license shall be issued, except for renewals or approved transfers, until Council authorizes the issuance of licences for that year.

(3) Notwithstanding any other provision of this Schedule, Council may authorize the issuance of additional temporary licences for major special events in the City, as determined by Council, expiring upon the termination of the event.

(4) Every licence and licence plate issued under this Schedule is the property of the City and no person shall enjoy a vested right to a licence issued under this Schedule.

14. EXISTING PRIORITY LISTS

Any and all names on the taxicab owner's licence Priority Lists for the former City of Hamilton and the former City of Stoney Creek, existing at the time of passage and enactment of this Schedule, shall be transferred to the Priority List of this Schedule and in the same order of priority as was in existence at such time. The Priority List is set out in Appendix "4" to this Schedule.

15. CLOSURE OF PRIORITY LIST

(1) No names shall be added to the Priority List and the Issuer of Licences shall not receive or process any application for entry to the list, subject to the powers of the Issuer of Licences under this Schedule and the powers of Council.

(2) No transfers or changes of position on the Priority List shall be permitted.

16. STAYING ON PRIORITY LIST

(1) Persons whose names are on the Priority List shall renew their entry on the list on or before September 30 of each year, by paying the prescribed fee and attending before the Issuer of Licences, to confirm his or her entry on the Priority List as accurate by filing with the Issuer of Licences a sworn declaration to that effect or amend the details of such entry.

(2) The Issuer of Licences may receive and process all renewals and fees from persons on Priority List, note any changes, and submit an amended list to the Licensing Committee for approval.

(3) A person who fails to renew their entry on the Priority List, as required by subsection 16(1) herein, on or before September 30 shall attend before the Issuer of Licences to pay the prescribed renewal fee together with a late filing fee in accordance with the Fees Schedule and to confirm his or her entry on the Priority List as accurate by filing with the Issuer of Licences a sworn declaration to that effect or amend the details of such entry, no later than December 31 of that same year, so as to have their entry maintained on the Priority List, failing which the person's name and entry shall be struck from the Priority List.

(4) Where a person fails to meet the requirements of this section for staying on the Priority List and renewal, the Issuer of Licences shall delete their name from the Priority List.

(5) Service of any documents on an applicant on the Priority List shall be made to the last recorded address filed by the applicant with the Issuer of Licences.

(6) Upon a transfer of a licence or a change in ownership of a licence or interest thereof being approved pursuant to section 34 of this Schedule, the names of the transferor and transferee shall be struck off the Priority List.

(7) The Issuer of Licences shall remove the name of a taxicab owner or a taxicab driver from the Priority List immediately upon his or her death.

(8) An applicant for a taxicab owner's licence on the Priority List must be directly and actively engaged in the taxicab industry, as defined in subsection 9(16)(a), at all times to have his or her name remain on the Priority List and to remain on the Priority List:

(a) the applicant must annually complete and file with the Issuer of Licences, a sworn Declaration confirming that he or she was directly and actively engaged in the Hamilton taxicab industry in the capacity of a licensed taxicab driver, a licensed taxicab owner, a licensed taxicab broker, a taxicab dispatcher, a taxicab telephone service operator or a taxicab business mechanic, for an average of at least 35 hours per week during at least forty (40) weeks of the previous twelve (12) month period;

(b) where an applicant has on account of illness, injury or other medical reasons been unable to meet or fulfil the requirements of subsections 16(8)(a), the applicant may complete and file with the Issuer of Licences in lieu thereof, a sworn Declaration so stating together with supporting documentation including a medical certificate from a physician certified to practice in the Province of Ontario, and a sworn declaration that he or she has actually engaged in operating a taxicab on a full time basis in the City as,
  (i) a licensed taxicab driver,
  (ii) a licensed taxicab owner,
  (iii) a licensed taxicab broker,
  (iv) a taxicab dispatcher,
  (v) a taxicab telephone service operator, or
  (vi) a taxicab business mechanic,

for a period of not less than two (2) consecutive years immediately preceding the onset of the medical disability.

(c) Where an applicant elects to file a sworn declaration under subsection 16(8)(b), on or before the date of consideration of the application by the Licensing Committee, the applicant shall provide evidence, to the satisfaction of the Licensing Committee, of the medical disability from not less than two duly licensed medical practitioners of the applicant's choice and, if required by the Licensing Committee, shall submit to a medical examination by a medical practitioner selected by the Licensing Committee and the City of Hamilton Human Resources Department.

(d) Nothing in this subsection 16(8) shall operate to relieve an applicant from any other applicable conditions or requirements of this Schedule.

(e) Where an applicant fails to meet the requirements of subsections 16(8)(b) and (c) or the requirements of subsections 16(8)(a), as the case may be, his or her name shall be deleted from the Priority List and no licence shall be issued to that applicant.

17. ISSUANCE OF OWNER'S LICENCES FROM PRIORITY LIST

(1) When Council gives approval for the issuance of new taxicab owner licences, the Issuer of Licences shall advise the Licensing Committee of the numbers of licences to be issued.

(2) The Issuer of Licences may then send a notice to the person whose name appears first on the Priority List in number felt sufficient to complete the issuance of available taxicab owner's licences, and arrange for hearings before the Licensing Committee to be held on applications. In the event that more than one applicant appears first on the Priority List due to being entered on the Priority List on the same date, subject to any restrictions imposed by the Licensing Committee or Council, the Issuer of Licences shall forward a notice to all such applicants of their eligibility to apply for an owner's licence.

(3) If an applicant fails to provide the Issuer of Licences with a current and valid mailing address on the original application or any amendments thereto, the Issuer of Licences shall not be required to make any additional effort to locate the applicant or a forwarding address for the applicant. The applicant shall be deemed notified three (3) days after the notice is mailed to the applicant in accordance with this section.

(4) A person who is entered on the Priority List, after being notified or deemed notified by the Issuer of Licences under subsections 17(2) and (3), shall file a completed application with the Issuer of Licences within fourteen (14) days of the date of the said notice and prior to consideration of the application by the Licensing Committee, together with the following:

(a) a sworn declaration, in a form prescribed by and available from the Issuer of Licences, that he or she has actively engaged in operating a taxicab full-time in the City as,

(i) a taxicab owner,

(ii) a licensed taxicab driver,

(iii) a taxicab dispatcher,

(iv) a taxicab business mechanic, or

(v) a taxicab telephone service operator,

for a period of not less than two (2) full and consecutive years immediately preceding the date of consideration of the application by the Licensing Committee; and

(b) either,

(i) a certified true copy by the Canada Customs and Revenue Agency ("Revenue Canada") of income tax returns for two consecutive years immediately preceding the date of consideration of the application by the Licensing Committee; and/or

(ii) any one of, or any combination of the following in respect of the two consecutive years immediately preceding the date of consideration of the application by the Licensing Committee:

1. a certified copy of record of employment,

2. statements of insurable earnings as issued by the Unemployment Insurance Commission,

3. statements of contributions to the Canada Pension Plan as issued by Revenue Canada,

4. monthly charge statements as issued by a taxicab broker operating in the City of Hamilton.

5. original trip records, or

6. such other or equivalent documentation as the Licensing Committee may accept.

(c) In the case of a taxicab driver, for all purposes of subsection 17(4)(a) and (b), "one full year" shall mean not less than 1400 hours in a full year;

(d) in the case of a taxicab dispatcher or telephone service operator, for the purpose of subsection 17(4)(a) and (b), "one full year" shall mean not less than 1400 hours in a full year;

If the applicant fails to file with the Issuer of Licences the required documentation in the stipulated time, the individual's application shall be voided and no licence issued, and the individual shall be struck from the Priority List

(5) Upon issuance or denial of a taxi owner's licence to an individual under this Schedule, the Issuer of Licences shall delete the individuals name from the Priority List.

(6) The Issuer of Licences shall notify an individual that a taxi owner's licence may be issued, and the individual shall within fourteen (14) days of the date of giving notice submit proof of compliance with Sections 6 and 9 of this Schedule failing which the individual's application shall be voided and no licence issued, and the individual shall be struck from the Priority List.

(7) Upon approval of the applicant by the Licensing Committee, the Issuer of Licences shall issue forthwith the licence to that person whose name appears first on the Priority List, provided the person complies with and meets the criteria and obligations for being licensed under this Schedule.

(8) No taxicab owner issued a new licence after the enactment of this Schedule shall lease or give up possession, custody or control of his or her licensed taxicab for a period of five (5) years from the date of issuance of his or her licence from the Priority List except to drivers engaged by the taxicab owner on an individual shift basis in accordance with this Schedule and except in the case of a vehicle replacement in accordance with this Schedule.

(9) No person on the Priority List at the enactment of this Schedule who is issued a new owner's licence shall sell, transfer or give up any control or interest of or in the said owner's licence for a period of five (5) years from the date of issuance of such licence.

(10) When a taxicab owner's licence is issued to the applicant whose name is on the Priority List, the name of that applicant shall be removed from the Priority List by the Issuer of Licences and all other applicants on the Priority List shall be moved forward one position.

18. EFFECTIVE ISSUE FROM PRIORITY LIST

(1) When an owner's licence and plate is issued from the Priority List, the applicant who has been approved for the issuance of a licence shall, within thirty (30) days of the date of being notified by the Issuer of Licences of the available taxicab owner's licence, affix the licence plate to a vehicle registered in his or her name that shall be continuously operated as a taxicab and put his or her taxicab into operation in accordance with this Schedule.

(2) In the event that the applicant fails to meet the thirty (30) day period set out in subsection 18(1), his or her application for the licence shall be voided and he or she shall be ineligible for the licence and the next person on the Priority List shall become eligible for the licence.

19. NO VESTED INTEREST OR BINDING EFFECT

The Priority List shall not oblige the City to issue a licence to anyone on the list, regardless of being at the top or the earliest entry, nor give any such person a vested interest in a taxi owner licence and its use shall be solely for establishing the order of priority of persons seeking a taxi owner's licence.

Notwithstanding the provisions of sections 14, 15, 16, 17 and 18, Council may, delete names of individuals from the Priority List.

20. TIME FOR RENEWAL

(1) Every licensee shall apply for renewal of a driver's, owner's or taxicab broker's licence before the expiry date of the licence. Where an application for renewal of a driver's, owner's or taxicab broker's licence is not delivered to the Offices of the Issuer of Licences in the manner prescribed by this Schedule prior to the expiry date of the licence, the licence shall be deemed to have been abandoned. Any licensee who makes application for renewal of a licence after one month after the expiry date of the licence shall do so as a new applicant.

(2) The Issuer of Licences may forward a renewal notice to all licensees, to the last address filed by the licence holder with the Issuer of Licences. The Issuer of Licences shall not be required to make any additional effort to locate a forwarding address for the licensee.

(3) The failure to receive a notification of renewal shall not relieve a licensee from the responsibility to renew a licence issued under this Schedule within the time frame and in the manner as prescribed in subsection 20(1) of this section.

21. ISSUE AND RENEWAL OF LICENCE

Where an application for a licence is made or where an application for a licence renewal is made in accordance with the provisions of this Schedule and where the applicant or licensee meets all the prerequisites as provided for in sections 8, 9, 9.1 or 10 of this Schedule, as applicable, and By-Law 01-156 and, in the case of a licence renewal, has complied with all of the duties, obligations and responsibilities of a licensee contained in this Schedule and By-Law 01-156, unless previously suspended or revoked, upon payment of the prescribed fee, the Issuer of Licences may issue or renew a licence on an annual basis which shall set out the expiry date and, in the case of a taxicab owner's licence, shall also issue an owner's plate and the applicant shall thereby be licensed. A person who is the owner of a fleet shall take out a separate licence for each vehicle owned by such owner which is to be used as a taxicab in the City.

22. SUSPENSION AND REVOCATION

(1) In addition to any other penalty which may be imposed pursuant to this Schedule, the Issuer of Licences:

(a) may suspend a licence for failure to comply with any of the provisions of this Schedule;

(b) may suspend a licence where it is, on reasonable grounds, in the public interest to do so, including but not limited to public health and safety reasons;

(c) shall suspend a taxicab owner's licence upon failure to maintain on file proof of insurance in accordance with section 52(4) of this Schedule; and

(d) shall suspend a taxicab driver's licence upon failure to comply with sections 5, 50, 51, 56 and 57;

(e) shall suspend a taxicab owner's licence upon failure to comply with sections 5, 52, 53, 56 and 57;

(f) shall suspend a taxicab broker's licence upon failure to comply with sections 5, 54, 55, 56 and 57;

(2) A suspension shall be and remain in force until such time as the licensee has satisfied the Issuer of Licences as to his or her compliance with the Schedule and, where applicable, the licensee has satisfied the Issuer of Licences that the public interest no longer requires the suspension of such licence.

(3) Upon notification of suspension of his or her licence, the licensee shall surrender such licence to the Issuer of Licences.

(4) Any licence which has been under suspension for a period in excess of 120 days shall be revoked by the Issuer of Licences.

(5) The decision of the Issuer of Licences may be appealed to the Licensing Committee in accordance with section 24.

23. GROUNDS FOR REFUSAL TO ISSUE, REFUSAL TO RENEW OR TO REVOKE A LICENCE

An applicant is entitled to be licensed and a licensee is entitled to have his or her licence renewed except where:

(1) having regard to his or her financial position, the applicant or licensee cannot reasonably be expected to be financially responsible in the conduct of the business which is to be licensed or is licensed;

(2) the past conduct of the applicant or licensee or lessee affords reasonable grounds for the belief that the applicant or licensee or lessee will not carry on the activity for which a licence had been or may be issued or renewed in accordance with this Schedule and the law and with professionalism, integrity and honesty;

(3) the issuance, renewal or continuance of the licence would be contrary to the public interest;

(4) the applicant fails to comply with section 8, 9, 9.1 or 10 of this Schedule, as applicable;

(5) the licensee is a driver and a proven customer complaint has been received relating to the driver's knowledge of the geography of the City and the Issuer of Licences requires the licensee to attempt and successfully complete a written test prior to having his or her licence renewed and the licensee does not obtain a mark of at least seventy-five percent (75%);

(6) the applicant or licensee is, has been during the term of the licence or will be, by act or omission, in contravention of this Schedule or By-Law 01-156 or has failed to comply with his or her duties, obligations and responsibilities contained in this Schedule or By-Law 01-156;

(7) the applicant or licensee is a corporation; and

  (a) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of the business for which it is to be licensed;

  (b) the past conduct of the officers or directors of the applicant or licensee affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which he or she is to be licensed or continue to be licensed in accordance with law; or,

  (c) the issuance, renewal or continuance of the licence would be contrary to the public interest;

(8) the applicant or licensee cannot provide proof of public liability and property damage insurance in the form and amount prescribed by this Schedule; and/or

(9) the applicant has misrepresented or omitted to a representative of the Issuer of Licences or to the Licensing Committee a material fact in his or her application for the licence being applied for or for a prior licence.

24. HEARINGS BEFORE THE COMMITTEE

(1) Where an applicant or licensee is not entitled to be licensed or to have his or her licence renewed for any of the grounds set out in sections 23, the Issuer of Licences shall recommend to the Licensing Committee that the Committee suspend the licence or, that Committee issue a licence on terms and conditions or that the Committee recommend to Council that the licence not be issued or renewed or that it be revoked.

(2) Where the Issuer of Licences suspends, revokes or denies an applicant a licence or renewal thereof, written notice advising the applicant or licensee of such suspension, revocation or denial shall be made by the Issuer of Licences to the applicant.

(3) Where the Committee receives a recommendation to refuse to issue or refuse to renew a licence or to suspend or revoke a licence, written notice advising the applicant of the recommendation being made by the Issuer of Licences to the Committee with respect to the licence shall be given to the applicant or licensee by the Issuer of Licences.

(4) The written notice to be given under subsections (2) and (3) shall:

  (a) set out the grounds for the recommendation, suspension, revocation or denial;

  (b) give reasonable particulars of the grounds for the recommendation, suspension, revocation or denial;

  (c) be signed by the Issuer of Licences; and

  (d) inform the applicant that he or she is entitled to a hearing before the Committee if he or she delivers within seven (7) days after the date of service of the written notice, a written request for a hearing before the Committee together with the non-refundable fee set out in the Fees Schedule.

25. HEARING FEE & NOTICE

On receipt of a written request for a hearing from an applicant together with the non-refundable fee set out in the Fees Schedule, as amended from time to time, the City's Clerk shall convene a meeting of the Committee for a purpose of hearing over the matter and shall give the applicant reasonable written notice thereof.

26. SERVICE OF WRITTEN NOTICE

(1) Subject to any specific notice provisions to the contrary contained in this Schedule, any written notice referred to in this Schedule, to be provided by the Issuer of Licences, an Officer, the Licensing Committee, the Council, the City or a Clerk thereof, is sufficiently served if delivered personally or sent by regular mail addressed to the person to whom service is required to be made according to the Issuer of Licences records at the last address filed by such person with the Issuer of Licences.

(2) When service is made by regular mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he or she did not, acting in good faith, through accident, illness or other cause beyond his or her control, receive the written notice until a later date.

27. THE COMMITTEE HEARING

(1) An applicant is entitled to a hearing before the Committee where the Issuer of Licences has suspended, revoked or denied his or her licence or a renewal thereof or the Issuer has submitted to the Committee a recommendation to that effect, if the applicant delivers within seven (7) days after the date of service of the written notice set out in subsection 24(4), a written request for a hearing before the Committee together with the non-refundable fee set out in the Fees Schedule.

(2) When the applicant who has been given written notice of the hearing pursuant to sections 25 and 26 does not attend at the appointed time and place, the Committee may proceed with the hearing in his or her absence and the applicant shall not be entitled to any further notice of the proceedings.

(3) Where an applicant elects to file a swom declaration under subsection 9(16)(b), 9(17)(b) or 9(18)(b) or on or before the date of consideration of the application by the Licensing Committee, the applicant shall provide evidence, to the satisfaction of the Licensing Committee, of the medical disability from not less than two duly licensed medical practitioners of the applicant's choice and, if required by the Licensing Committee, shall submit to a medical examination by a medical practitioner selected by the Licensing Committee and the City of Hamilton Human Resources Department.

(4) At the conclusion of a hearing, the Committee may:

(a) confirm, modify, quash or otherwise vary any action taken or recommendation made by the Issuer of Licences;

(b) refuse to issue or refuse to renew or revoke any licence; and

(c) issue a licence and attach any condition as deemed necessary.

(5) At the conclusion of a hearing, the Committee shall, as soon as practicable, submit a written report on the hearing to Council and the report shall:

(a) summarize the evidence and the arguments presented by the parties to the hearing;

(b) set out the findings of fact and record any actions taken or decisions made by the Committee; and

(c) set out all the actions or recommendations taken or made by the Committee and the reasons for such actions or recommendations.

28. COUNCIL AFTER THE HEARING

The Issuer of Licences shall submit to the Council, as soon as practicable after the conclusion of a Committee hearing, the Committee's hearing report and the Council may:

(1) confirm, modify, quash or otherwise vary any action taken or recommendation made by the Committee;

(2) refuse to issue or refuse to renew or revoke any licence;

(3) issue a licence and attach any condition as deemed necessary; and

(4) do any act or make any decision that it might have done had it conducted the hearing itself and upon reaching a decision the applicant or licensee shall not be entitled to a further hearing on the matter before Council.

29. COMMITTEE'S POWER TO RECOMMEND TO COUNCIL LICENCE REVOCATION OR REFUSAL

The Committee may recommend that Council refuse to issue, refuse to renew or revoke a licence where:

(1) the applicant or licensee has failed to comply with the prerequisites contained within sections 8, 9, 9.1 or 10 of this Schedule, as applicable, or any of the duties, responsibilities, obligations or prohibitions of an applicant or licensee contained in this Schedule or By-Law 01-156 or would be disentitled to a licence for any of the reasons set out under section 23 of this Schedule.

(2) the applicant or licensee is a taxicab owner and has failed to continuously operate the vehicle for which a taxicab owner's plate has been issued unless the taxicab owner can show to the satisfaction of the Committee just cause for such failure.

(3) the licensee is a taxicab broker and has failed to carry on or engage in the taxicab brokerage business unless the taxicab broker can show cause to the satisfaction of the Committee just cause for such failure.

(4) the licensee has failed to comply with any term or condition attached to the licence issued or renewed under this Schedule.

30. COMMITTEE'S POWER TO SUSPEND A LICENCE

Committee may suspend a licence where:

(1) the licensee would be disentitled to a licence for any of the reasons set out under section 23 of this Schedule;

(2) the licensee has failed to comply with any of the duties, responsibilities, obligations or prohibitions of contained in this Schedule or By-Law 01-156;

(3) the licensee is an owner and has failed to continuously operate the vehicle for which the taxicab owner's plate has been issued unless the owner can show to the satisfaction of the Committee just case for the failure;

(4) the licensee is a taxicab broker and has failed to carry on or engage in the taxicab brokerage business unless the taxicab broker can show to the satisfaction of the Committee just cause for such failure; or

(5) the licensee has failed to comply with any term or condition attached to the licence issued or renewed under this Schedule.

31. FEES NON-REFUNDABLE

Unless otherwise provided in this Schedule, any fee required to be paid pursuant to the Fees Schedule shall not be refunded.

32. RETURN OF THE LICENCE AFTER REVOCATION OR SUSPENSION

(1) When a licence has been revoked or suspended, the holder of the licence shall return the licence and, if applicable, owner's plate to the Issuer of Licences within twenty-four (24) hours of service of written notice of the decision of Committee or Council and the Issuer of Licences or Officer may enter upon the business premises or vehicles of the licensee for the purpose of receiving, taking or removing the said licence and owner's plate.

(2) When a person has had his or her licence revoked or suspended under this Schedule, he or she shall not refuse to deliver up or in any way obstruct or prevent the Issuer of Licences or Officer from obtaining the licence and the owner's plate in accordance with subsection (1) of this section.

33. DESTRUCTION or LOSS OF OWNER'S PLATE or PRESCRIBED CARDS

When an owner's plate, the Tariff card, the Taxicab Passengers' Bill of Rights card, the Taxicab Driver's Bill of Rights card, the driver's photo identification or the licence is defaced, destroyed or lost, the licensee shall, within seventy-two (72) hours, apply to the Issuer of Licenses for a replacement and shall pay the appropriate fee for same, and the Issuer of Licenses may issue a replacement.

34. TRANSFER OF LICENCE HOLDER

(1) For the purposes of this section, "transfer" shall include any transfer, sale or other form of disposition of an interest in a taxicab owner's licence including but not limited to the transfer of a partnership interest in a partnership or the controlling interest of a corporation, which holds a taxicab owner's licence, or an interest of a sole owner of a taxicab owner's licence.

(2) The licence issued to a taxicab driver or taxicab broker under this Schedule is not transferable.

(3) The licence issued to a taxicab owner under this Schedule is not transferable except as otherwise provided for in this Schedule and only upon the approval of the Issuer of Licences.

(4) The name of the holder of a taxicab owner's licence shall not be changed or transferred unless and until:

(a) the applicant for a transfer of a taxicab owner's licence or name change has filed with the Issuer of Licences:

  (i) a complete application for transfer of the holder of a taxicab owner's licence or name change in a form prescribed by and available from the Issuer of Licences;

  (ii) proof that the proposed new holder of the taxicab owner's licence has complied with the prerequisites of this Schedule for obtaining a taxicab owner's licence;

  (iii) a duly executed copy of a written agreement between the holder of the owner licence and the proposed new holder of the taxicab owner's licence containing all details of their dealings concerning the taxicab owner's licence and, where applicable, the taxicab vehicle, equipment and taximeter, and any other thing included in the agreement pursuant to which the current holder of the taxicab owner's licence agrees to have the proposed new holder of the taxicab owner's licence replace him or her as the holder of such licence; and

  (iv) two (2) sworn affidavits, one made by the current holder of the taxicab owner's licence and the other made by the proposed new holder of the taxicab owner's licence setting out the true consideration for the taxicab owner's licence and, where applicable, the taxicab vehicle, equipment and taximeter and shall also include the interest of the current holder and the interest of the proposed new holder in the licence and licence plate, goodwill, if any, and any other thing included in the agreement and any other details as requested by the Issuer of the Licences.

(b) the proposed transferor of the taxicab owner's licence or name change pays to the Issuer of Licences the required transfer fee as set out in the Fees Schedule;

(5) The Issuer of Licences shall give notice to the current holder of the taxicab owner's licence of the approval or refusal of such taxicab owner's application for change or transfer of the holder of such taxicab owner's licence.

(6) Where an application for change or transfer of the holder of a taxicab owner's licence has been approved by the Issuer of Licences, a replacement taxicab owner's licence will be issued to the proposed new holder of the taxicab owner's licence.

(7) The purchase of the controlling interest of a corporation which holds a taxicab owner's licence by any person shall be deemed a transfer of the taxicab owner's licence and shall meet all the requirements in this Schedule for the transfer of a taxicab owner's licence.

(8) Where the transfer of the taxicab owner's licence is not approved by the Issuer of Licences, the current licensed taxicab owner may sell his or her vehicle and its equipment to any person, however, upon such sale, the taxicab owner's licence issued in respect of such vehicle shall be terminated unless the owner replaces such vehicle and all required equipment within thirty (30) days from the effective date of such sale in accordance with sections 47 and 48 of this Schedule.

(9) Where an application to transfer a licence is not approved by the Issuer of Licences, any administrative fee incurred shall not be refunded, subject to the authority of Council.

(10) Where a corporation is the holder of a taxicab owner's licence or licences, the corporation shall forthwith notify the Issuer of Licences in writing of any and all transfers of existing shares and of the issue of any and all new shares of the capital stock of the corporation.

(11) Where, as a result of the transfer of existing shares or by the issue of new shares of a corporation, the Issuer of Licences has reasonable grounds to believe that the corporation may not be entitled

to the continuation of its licence in accordance with this Schedule, the Licensing Committee may determine whether the licence or licences shall be revoked or have conditions placed on it.

(12) Where, by the transfer of issued shares in, or by the issuance of new shares of, a corporation holding one or more taxicab owner's licences, the controlling interest in such corporation is sold, transferred or acquired, such licence or licences shall be deemed transferred, and the parties thereto shall comply with the requirements in this Schedule in respect to a transfer of the Issuer of Licences may issue a new licence or new licences upon payment of the prescribed fee.

(13) The Licensing Committee may, in its discretion, refuse to transfer or issue a new licence or licences to a transferee in a transaction under this section if it determines that it is not in the public interest so to do or for any other reason which it is authorized by law to consider upon such application, subject to the approval of Council.

(14) Nothing in this section shall obligate the City to approve the transfer of the licence.

35. DEATH OF LICENCE HOLDER

(1) In the event of the death of the holder of a taxicab owner's licence, the heirs, executors, administrators, successors or other legal representatives shall have a period of six (6) months within which to arrange for the change or transfer of the name of the holder of the owner licence in accordance with section 34 of this Schedule, without the licence being revoked, provided that the death of the licensee was reported to the Issuer of Licences within thirty (30) days of its happening.

(2) If the licence expires within the aforementioned period of six (6) months, the heirs, executors, administrators, successors or assigns or other legal representatives may renew the licence on the condition that it will expire on the termination of the aforementioned period of six (6) months.

(3) Nothing in this section shall relieve the transferor and transferee from compliance with the provisions of this Schedule including but not limited to those in respect to the transfer of a licence.

36. NOTIFICATION OF CHANGE OF INFORMATION

(1) When a licensee changes his or her name or address or any information relating to his or her licence, such licensee shall notify the Issuer of Licences within six (6) days of the change of information relating to the licence and shall return the licence immediately to the Issuer of Licences for amendment.

(2) When the licensee is a corporation and there is any change in the relevant information on the application or licence, including but not limited to names or addresses of Officers or directors, location of the corporate head office or change in the ownership of shares, the licensee shall report the change to the Issuer of Licences within six (6) days of the change and if necessary, the licence shall be returned immediately to the Issuer of Licences for amendment.

37. LEASING

(1) Except as provided in this section, no taxicab owner shall lease his or her taxicab and taxicab owner's plate.

(2) A taxicab owner may lease or renew a lease of his or her taxicab and taxicab owner's plate, provided that:

(a) a leasing agreement proposal has been filed with the Issuer of Licences and approval has been granted together with payment of the fee prescribed by the Issuer of Licences;

(b) the proposal contains a lease agreement which provides for lease of the licensed taxicab owner's taxicab and taxicab owner's plate;

(c) where a leasing agreement proposal is filed with the Issuer of Licences, the agreement must be in writing, signed by the parties thereto and specify the following:

(i) the date of execution of the leasing agreement and its effective date;

(ii) the name and address of the lessee and lessor;

(iii) a full description of the vehicle which is the subject of the lease, including the serial number, the make, model, serial number and year of the motor vehicle, the Provincial plate number, and the number of the taxicab owner's licence and plate issued by the Issuer of Licences in respect of such vehicle;

(iv) the motor vehicle permit number issued pursuant to the Highway Traffic Act; R.S.O. c.H. 8;

(v) the term and expiry or termination date of the leasing agreement;

(vi) the terms and conditions under which the lessee has the right to possession and control of the vehicle under specified terms and conditions;

(vii) all of the lessor's and lessee's rights to early termination of the leasing agreement;

(viii) the consideration and the signatures of the lessee, the lessor and the witnesses thereto;

(ix) a statement that the leasing agreement is considered null and void in the event that the owner or lessee either by a written or verbal agreement sub-leases the taxicab or transfers responsibility for the operation of the taxicab to a third party;

(x) the Revenue Canada G.S.T. account number of the lessee;

(xi) the taxicab owner is responsible for maintenance of and insurance on the vehicle;

(xii) under the terms of the lease the taxicab owner provides a motor vehicle equipped, inspected, approved and registered in accordance with this Schedule;

(d) the lessee is licensed by the City of Hamilton as a taxicab driver and has successfully completed the approved service and skills training program recognized and approved by the Issuer of Licences and required under this Schedule;

(e) the lease pertains to one vehicle, and expires upon the sale, replacement or other disposition of such vehicle save and except a vehicle replacement made in accordance with this Schedule; and

(f) the plate issued to such taxicab owner by the Issuer of Licences is affixed to the right side of the rear bumper of the taxicab which is the subject of the lease in a conspicuous position or at a location and in a manner as the Issuer of Licences may require, and remains affixed thereto throughout the term of the lease.

(g) In the event of a renewal of a leasing agreement, which has been approved by the Issuer of Licences, the taxicab owner shall file with the Issuer of Licences satisfactory evidence of the renewal of same in a form prescribed by the Issuer of Licences.

(3) Where a proposal for a leasing agreement is filed by a taxicab owner in accordance with the provisions of this Schedule and where the proposal meets all the requirements as provided for in this section, the Issuer of Licences may approve the proposed leasing agreement.

(4) Where the Issuer of Licences denies or refuses to approve a proposed leasing agreement, written notice, in accordance with section 24(3) of this Schedule, shall be given to the taxicab owner by the Issuer of Licences.

(5) Where the Issuer of Licences denies or refuses to approve a proposed leasing agreement, the taxicab owner may appeal the decision to the Licensing Committee for consideration within fourteen (14) days of the receipt or deemed receipt of written notice of the denial or refusal set out in subsection 37(4). The Licensing Committee shall cause an investigation to be conducted under section 7(5) of this Schedule and where an investigation reveals that the proposal should not be approved because the lessee or lessor is unlikely to or unable to comply with section 23 of this Schedule or where the proposal does not comply with subsection (2) of this section, the Licensing Committee may deny or refuse to approve the proposed leasing agreement or approve the proposal on specified terms and conditions.

(6) Where a proposal to lease is not approved by the Licensing Committee, any administrative fees incurred shall not be refunded.

(7) No lessee shall sub-lease or purport to sub-lease a taxicab vehicle to any person.

(8) No taxicab owner shall, by a term in a lease or otherwise, acquiesce in or permit any lessee or other person to sub-lease or purport sub-lease his or her taxicab vehicle.

(9) Any person licensed under this Schedule who enters into or purports to enter into any lease or purported lease of a taxicab, other than in accordance with this section, shall, in addition to any penalty to which he or she may be liable under this Schedule, be required to attend before the Issuer of Licences to show cause why his or her licence should not be suspended or revoked.

(10)Every owner shall notify the Issuer of Licences in writing of the expiration or other sooner termination of any lease to which he or she is a party or of any change in custody and control over his or her taxicab, within thirty (30) days prior thereto.

(11)Every taxicab owner and lessor shall:

(a) ensure that every driver or lessee and every other person involved in the operation of his or her vehicle complies in full with the requirements of this Schedule;

(b) maintain knowledge at all times of the identity of any person having custody of or control over his or her taxicab; and

(c) provide full information to the Issuer of Licences or his or her designates, as to any of the facts or records required to be maintained or provided by him or her pursuant to this Schedule, forthwith upon a request therefor by the Issuer of Licences or his or her designate.

(12)Every taxicab owner shall ensure that every lease filed with the Issuer of Licences sets out fully and accurately all of the facts and terms required by this Schedule and that such information is kept fully up-to-date and accurate.

(13)No taxicab owner shall enter into or be a party to more than one lease at any one time with respect to any one of his or her taxicabs.

(14) No person shall enter into or be a party to any agreement or transaction purporting to transfer, assign, lease or otherwise convey rights over a taxicab licence or plate, or give or receive any consideration or remuneration therefor, except as part of a transaction permitted by this Schedule.

(15) No lessor having an authorized lease agreement respecting a taxicab owner's licence and/or vehicle approved for use as a taxicab shall acquiesce in, allow or permit a lessee to fail to continuously operate the vehicle for which a taxicab owner's licence has been issued.

(16) A lessee shall personally operate a leased taxicab a minimum of five 8-hour shifts per calendar week.

(17) The Issuer of Licences shall have the authority to refuse to approve a lease agreement and/or rescind or withdraw approval of a lease agreement that does not meet or continue to meet the requirements of this Schedule or on such other grounds as are consistent with the grounds of refusal set out in section 23 of this Schedule.

(18) The lessee shall affix the taxicab plate on the vehicle within forty-eight (48) hours of the approval of the lease agreement.

(19) All lessees must have and maintain a current City of Hamilton taxicab driver's license.

(20) An administration fee shall be charged to a lessee of a taxicab for the late registration of a lease agreement with the Issuer of Licences in accordance with the Fees Schedule of By-Law 01-156.

(21) A taxicab owner or lessee shall not undertake more than one lease agreement per owner's plate at any time in the City of Hamilton.

(22) Effective five (5) years from the date of enactment of this Schedule, a taxicab broker shall not act as an agent or party to any lease agreement.

38. CONTRACT AGREEMENTS

(1) Subject to Section 155(3) of the Municipal Act, 2001, any owner or driver of a taxicab is exempt from the fare provisions of this Schedule while engaging in the conveyance of physically, emotionally, or mentally disabled persons, provided:

(a) the conveyance is made pursuant to a written contract;

(b) the written contracts contain the following information:

(i) specifies the date and point of commencement and the point of destination of each conveyance;

(ii) specifies the charge for each conveyance;

(iii) specifies the frequency of the conveyance; and

(iv) specifies the nature of the handicap of the person(s) being conveyed.

(c) the written contracts or copies thereof are filed with the Issuer of Licences upon request;

(d) the conveyance is made from a point in the City to a point outside the City;

(e) the taxicab providing the conveyance is licensed by the City or the municipality where the conveyance originates and/or ends.

39. MEDICAL CERTIFICATE

The Issuer of Licences or an Officer may require a licensed driver, at any time, to provide the Issuer of Licences or such Officer with a certificate, prepared by a duly qualified medical practitioner, attesting to whether or not the licensee is physically fit and able to operate a taxicab, if the Issuer of Licences or such Officer considers it in the public interest, upon reasonable grounds.

40. RE-PHOTOGRAPHING OF DRIVERS

If at any time the driver's photograph(s) required on the application for a driver's licence issued under this Schedule does not have a reasonable likeness and/or clear image of the driver because of physical changes to the appearance of the driver, the passage of time, the poor quality of the photography or the deterioration of the photograph or photo identification card, the Issuer of Licences may require that the driver attend at the Issuer of Licences office of the City of Hamilton for another photograph of himself or herself.

41. TAXICAB METER

(1) Every owner of a taxicab shall have affixed to each taxicab, in respect of which such owner is licensed, a taxicab meter for registering distance travelled, waiting time and computing the fares to be paid, and each taxicab meter shall be:

(a) submitted by such person to the Issuer of Licences for testing, inspection and sealing in each year and at such other times as directed by the Issuer of Licences;

(b) illuminated between dusk and dawn;

(c) located in a position clearly visible to all passengers in the taxicab;

(d) adjusted in accordance with the rates prescribed by Appendix '1' (Taxicab Tariff/Fares) of this Schedule;

(e) used only when the seal thereon is intact;

(f) used for not longer than one year without re-testing and resealing; and

(g) kept in good and accurate working condition at all times.

42. TAXICAB METER ROAD TEST

Where an Officer is not available to road test and approve the taxicab meter on a weekend or statutory holiday because the Officer's services have been requested outside of the regular business hours of the Issuer of Licences, the licensed taxicab owner or the licensed taxicab driver who has had the taxicab meter repaired or replaced, may operate the taxicab for a period of up to twenty-four (24) consecutive hours from the date and time of such repair or replacement, provided that licensed taxicab driver has in his or her possession a certificate or receipt for the repair or installation of the taxicab meter, signed by the person who made the repairs or installation and the receipt sets out the date, time and nature of the repairs or installation and has notified the Issuer of Licences immediately of the repair or replacement of the taxicab meter.

43. RIGHT OF INSPECTION OF VEHICLES

(1) The Issuer of Licences or any Officer may, at any time, enter in and inspect the vehicle(s) of any licensee to insure that the provisions of this Schedule have been complied with.

(2) Upon an inspection under subsection (1), the Issuer of Licences or an Officer is entitled to request and have produced all relevant licences and permits and to have access to all invoices, vouchers, appointment books and trip sheets or like documents of the person being inspected, provided such documents are relevant for the purposes of the inspection and the person inspecting may remove any of the aforementioned documents for the purpose of examining and reproducing or photocopying, provided a receipt is given to the licensee and the documents are returned to the licensee within forty-eight (48) hours of any such removal.

44. VEHICLE INSPECTION

(1) Every taxicab owner licensed under this Schedule shall submit his or her vehicle to the Issuer of Licences for mandatory inspections for compliance with this Schedule, at the taxicab owner's expense, in accordance with sections 43, 44 and 45.

(2) Inspections shall be conducted by Officers and will include and not be limited to:

(a) taxicab meter accuracy road tests (where required);

(b) visual exterior and interior inspections of the taxicab vehicle;

(c) assessment of mechanical fitness and safety; and

(d) driver and owner record examinations of documents required to be maintained under this Schedule.

(3) In addition to the inspections referred to under subsection (1) and (2) herein, each licensed owner shall provide at the time of renewal and at such other times as directed by the Issuer of Licences, at the taxicab owner's expense, either:

(a) an Ontario Ministry of Transportation Vehicle Inspection report, showing that the vehicle has been accepted within the past thirty-six (36) days, or;

(b) a Safety Standards Certificate issued under the Highway Traffic Act R.S.O. 1990, c.H. 8 within thirty-six (36) days of the inspection date.

(4) Notwithstanding section 45, where an Officer believes that a previously approved vehicle no longer meets the inspection and vehicle requirements of this Schedule, such Officer or the Issuer of Licences may at any time direct the licensed owner to submit his or her vehicle to an Officer or the Issuer of Licences for the purpose of conducting a re-inspection of the taxicab to ensure compliance with the provisions of this Schedule, at the taxicab owner's expense.

(5) When the licensed owner meets the requirements of this section and the vehicle requirements in this Schedule, the vehicle shall be deemed to be approved for use as a taxicab.

45. TAXICAB VEHICLE STANDARDS AND INSPECTIONS

(1) All taxicab vehicles shall be three (3) model years old or newer upon first approval for use by the Issuer of Licences and shall not be in excess of ten (10) model years old at any time thereafter, subject to the following age restrictions and exemptions:

(a) a licensed taxicab vehicle previously approved by the Issuer of Licences shall meet all of the vehicle requirements contained in this Schedule;

(b) a licensed taxicab vehicle which is a historic or vintage vehicle, in the determination of the Issuer of Licences, may be over ten (10) model years of age, at the discretion of the Issuer of Licences, provided that the vehicle meets all of the vehicle requirements contained in this Schedule;

(c) taxicab vehicles, approved for use and licensed at the date of enactment of this Schedule, shall be entitled to a three (3) years period, from the date of enactment of this Schedule, within which to comply with the age restrictions of this section (the "phase-in period"). No replacement vehicle shall be entitled to the "phase-in period" in which to comply.

(2) To operate as a licensed taxicab, the vehicle shall be subject to the following mechanical fitness and safety inspections to be licensed or to have a licence renewed, as follows:

(a) taxicab vehicles with a model of three (3) years of age or less shall be required to undergo mechanical fitness and safety inspections by City of Hamilton inspectors one time per year or at such greater frequency as may be required by the Issuer of Licences;

(b) taxicab vehicles with a model year more than three (3) years old to a maximum of ten (10) years old shall be required to undergo mechanical fitness and safety inspections by City of Hamilton inspectors as follows:

(i) vehicles four (4) model years to five (5) model years old must be inspected twice per year or at such greater frequency as may be required by the Issuer of Licences; and

(ii) vehicles six (6) model years or more must be inspected three times per year or at such greater frequency as may be required by the Issuer of Licences.

46. SPARE VEHICLES

(1) The owner of one or more spare vehicles may, with approval of the Issuer of Licences, register a vehicle or vehicles with the Issuer of Licences for use as a spare vehicle.

(2) Every taxicab owner of a spare vehicle that is used to substitute for a taxicab in respect of which an owner's licence has been issued, shall comply with all of the requirements for a licensed taxicab vehicle under this Schedule.

(3) The use of a spare taxicab vehicle shall be limited to operate for no more than seven (7) consecutive days.

(4) The taxicab owner shall notify the Issuer of Licences prior to placing a spare vehicle in use and identify the licensed taxicab vehicle which the spare vehicle is replacing.

(5) The taxicab owner shall be limited to one (1) spare vehicle per five (5) licensed taxicab vehicles owned by such taxicab owner to a maximum of three (3) spare vehicles.

(6) The owner of a spare taxicab vehicle(s) must submit such spare taxicab vehicle(s) to the Issuer of Licences for inspection and determination of compliance with the vehicle requirements of this Schedule prior to the taxicab owner's licence being approved for issuance or renewal and, at any time during the term of a licence, upon the request of the Issuer of Licences.

(7) Every driver of a spare vehicle that is used to substitute for a taxicab in respect of which an owner's licence has been issued, shall comply with the provisions of this Schedule applicable to a taxicab driver.

47. REPLACEMENT VEHICLE APPROVAL

Every taxicab owner who ceases to use his or her taxicab vehicle of which an owner's licence has been issued and acquires another vehicle to be used as a replacement for the licensed taxicab vehicle shall ensure that such replacement vehicle complies with all of the requirements for a licensed taxicab vehicle under this Schedule. No replacement vehicle shall be approved until the taxicab owner first complies with the taxicab disposal requirements in section 48 for the vehicle which is being replaced.

48. DISPOSAL OF TAXICAB

(1) When the licensed owner disposes of or otherwise ceases to use as a taxicab a vehicle approved for use under section 44 of this Schedule, he or she shall immediately remove from such vehicle:

(a) the roof light,

(b) the taxicab meter,

(c) all identifying decals or markings,

(d) fender or side numbers and letters and

(e) all other items which make the vehicle appear to the public to be a taxicab.

49. TARIFFS

(1) The rates for fares to be charged by the owners or drivers of taxicabs for the conveyance of passengers wholly within the City of Hamilton or to any point not more than 5 kilometres beyond its limits, shall be exactly as shown in Appendix "1" (Taxicab Tariff/Fares) attached hereto and forming part of this Schedule, and no higher or lower amount than that contained in the said tariff shall be charged or payable, whether such rates and charges are determined by distance or by time; provided that an owner and a customer may enter into a written contract for services that extends for the period of a year or more on runs between fixed points at an agreed tariff, and that the terms of such contract shall be filed with the Issuer of Licences within ten (10) days from the effective date of the contract and be in accordance with the provisions of this Schedule with the exception of the tariffs set out in Appendix "1".

(2) Nothing contained in this Schedule shall prevent the driver of a taxicab from making a charge to be negotiated with a passenger prior to the trip, for parcel handling, and such charge shall not be required to be recorded on the trip record, and shall not apply to luggage or baggage accompanying a passenger or passengers transported between any transportation terminal and the pick-up or destination point of the passenger or passengers.

(3) At the conclusion of a trip, the driver of a taxicab shall call the passenger's attention to the amount of the fare registered on the meter and place the meter in a non-recording position.

(4) No owner or driver of a taxicab shall be entitled to recover or receive any fare or charge from any person unless the current Tariff card is on display in the holder provided therefor.

(5) Each taxicab driver shall ensure that when more than one passenger is being transported in a taxicab, and said passengers have different destinations, the taximeter is re-flagged after each destination. The individual or individuals shall then be responsible for the fee registered on the taximeter at the point of their particular destination.

(6) When a passenger first enters a taxicab, the taximeter shall be immediately placed in operation and shall remain so placed throughout the trip or until such trip extends to a point 5 kilometres beyond the limits of the City of Hamilton. The shortest and quickest possible route shall be taken to the destination if within the said limit of 5 kilometres beyond the limits of the city, unless the passenger designates another route. If a trip extends beyond such 5 kilometre limit hereinbefore referred to, the driver and the passenger may agree before the start of the trip to a flat rate, but the taximeter must remain in a recording position at all times within such limit.

50. DUTIES OF A TAXICAB DRIVER

No licensed taxicab driver shall fail to:

(1) ensure that the Tariff card, Taxicab Passenger's Bill of Rights, Taxicab Driver's Bill of Rights and taxicab driver's photo identification is in place and maintained in place in the holder required to be provided in the taxicab pursuant to this Schedule which such driver is operating;

(2) when operating a taxicab, be neat and clean in personal appearance and personal hygiene;

(3) when operating a taxicab, be civil and behave courteously;

(4) turn off any radio, tape player or any other sound producing mechanical device in his or her taxicab and turn down the volume on any two-way radio or cell phone in his or her possession or control, used for receiving or confirming calls for his or her taxicab services, upon being requested to do so by any passenger, and having done so, shall leave such devices in the off or turned down position, as the case may be, until termination of the trip with that passenger;

(5) maintain the interior and exterior of the taxicab within his or her control in a clean and tidy condition;

(6) keep in his or her taxicab a current street guide or map of the City and surrounding area;

(7) when operating a taxicab, punctually keep all his or her appointments and engagements, and no licensed taxicab driver shall make any appointment if a previous engagement would prevent such driver from fulfilling it;

(8) except when the driver has a previous order or engagement when operating a taxicab, serve the first person who may lawfully require the service of his or her taxicab at any place within the municipality and at any time during his or her work shift, whether day or night, except when the person:
  (a) is unruly or disorderly; or
  (b) refuses to give his or her destination; or
  (c) is in possession of an animal other than a seeing-eye dog; or
  (d) is eating or drinking any food or beverage and refuses to dispose of same prior to entry into the taxicab vehicle; or
  (e) has not paid a previous fare or cancellation fee; or
  (f) is, in the reasonable belief of the driver, unable or unwilling to pay the fare and has been unable or unwilling to satisfy the driver that he or she has the funds to pay the fare; or
  (g) is a grossly unclean person; or
  (h) in the reasonable belief of the taxicab driver, poses a threat to his or her personal safety; or
  (i) is smoking and refuses to extinguish the cigarette, cigar or pipe or other smoking product and/or instrument prior to entry into the taxicab vehicle

(9) when operating a taxicab, upon the request of any passenger or whenever there is a dispute over the fare, provide a complete receipt for the fare or charge made and paid, indicating thereon:
  (a) the place of pick up and discharge of such passenger;
  (b) the taxicab driver's name;
  (c) the number of his or her taxicab driver licence;
  (d) the identifying number on the taxicab vehicle;
  (e) the number of the taxicab owner's licence for the vehicle;
  (f) the Provincial Motor Vehicle Permit Number for the taxicab; and
  (g) that it is a "Taxicab" receipt;

(10) when operating a taxicab, take due care of all property delivered or entrusted to him or her and accepted by him or her for conveyance or safekeeping, and immediately upon termination of any hiring or engagement, search the interior of his or her vehicle for any property lost or left therein and forthwith deliver to the person owning the same all money or property left in his or her taxicab; or if the owner of the money or property cannot be at once found, deliver all of the said money and property to the nearest City of Hamilton Police and report all information pertaining thereto in his or her knowledge, possession and belief;

(11) at the conclusion of a trip, call the passenger's attention to the amount of the fare registered on the meter and place the meter in a non-recording position;

(12) ensure that when more than one passenger is being transported in a taxicab, and said passengers have different destinations, the taximeter is re-flagged after each destination. The individual or individuals shall then be responsible for the fee registered on the taximeter at the point of their particular destination.

(13) take the shortest in distance and most practical route to the destination provided by the passenger, unless the passenger directs the taxicab driver to take another route;

(14) while operating a taxicab, keep and maintain at all times in such taxicab sufficient bills and coins such that change may be provided to passengers of such taxicab;

(15) be permitted to engage the taxicab meter before the passenger enters the vehicle, only after the taxicab driver has notified the passenger of his or her arrival and has waited at least five (5) minutes after the taxicab driver has notified the passenger of his or her arrival;

(16) engage the taxicab meter at the commencement of the trip and keep it engaged throughout the trip, unless otherwise exempted under this Schedule;

(17) when operating a taxicab, keep a daily trip sheet, in the form attached to Appendix "2", containing the following information:
  (a) the name, address and taxicab driver's licence number of the driver;
  (b) the date;
  (c) the number and date of issue of the taxicab owner's licence issued pursuant to the provisions of this Schedule;
  (d) the location, date and time of the beginning and end of every trip made trip and the number of passengers carried;
  (e) the amount of the fare collected for each trip;
  (f) the meter readings at the start and finish of each working period;

(18) provide the owner of the vehicle with a copy of the trip sheets daily;

(19) retain a copy of the daily trip sheet for a least twelve (12) months and make them available for inspection at the request of the Issuer of Licences.

(20) make his or her trip record and all information as to passengers carried available to any Officer and to the Issuer of Licences when requested to do so;

(21) notify the Issuer of Licences in writing within six (6) days of a change of address and produce his or her licence for that change of address to be entered; and

(22) each day, before commencing the operation of a taxicab, examine the vehicle for mechanical defects, interior or exterior damage, and a jack and usable spare tire and wheel and shall report forthwith any defects found to the owner of the vehicle.

(23) each day, upon completion of the operation of a taxicab, return the vehicle to his or her employer and report all defects and all accidents to the owner.

(24) report forthwith to his or her employer and the Issuer of Licences any accident in which he or she was involved while operating his or her employer's cab;

(25) at the expiration of his or her work period return the cab to his or her employer and shall not at any time abandon the cab or permit any other person to drive same.

(26) when operating a taxicab, carry at all times and produce on request of an Officer, the driver's licence issued under this Schedule and his or her Ontario driver's licence;

(27) when operating a taxicab, carry and display a current Tariff card at all times and produce same on request of an Officer or a passenger;

(28) when a dispute arises with a passenger about the fare, refer the dispute to Issuer of Licences;

(29) when operating a taxicab:

- (a) only enter a taxicab stand by taking his or her position at the end of any line formed by the taxicabs already at the stand;
- (b) while waiting at a taxicab stand or at any other public place:
  - (i) not obstruct or interfere in any way with the normal use of the taxicab or public place, or interfere with the surrounding traffic patterns;
  - (ii) be sufficiently close to his or her taxicab to have it under observation at all times;
  - (iii) not wash the taxicab; and
  - (iv) not make repairs to his or her taxicab, unless the repairs are immediately necessary.
- (c) subject to the Taxicab Passengers' Bill of Rights, not pick up any passenger within sixty (60) meters of a taxicab stand when there is one or more taxicabs at the stand:
  - (i) unless an arrangement has been previously made with the passenger to pick him or her up at that location; or,
  - (ii) unless the passenger exhibits a preference for that taxicab, and the chosen taxicab driver notifies the driver of the first taxicab on the taxicab stand;

(30) provide the medical certificate, as required by the Issuer of Licences, pursuant to section 390 of this Schedule;

(31) In addition to complying with all other requirements of this Schedule with respect to taxicab drivers, every licensed accessible taxicab driver shall:

(a) ensure that all wheelchairs being transported within the taxicab are securely fastened so as to prevent them from moving when the taxicab is in motion;

(b) ensure that the accessible taxicab he or she is operating:

(i) is equipped with an extra tire, wheel and jack ready for use for that vehicle;

(ii) is in compliance with Ontario Regulation 629/02, as amended and Canadian Standards Association's Standard D409-M84; and

(iii) has wheelchair tie down that comply with the regulations set out in sub-section (ii) above;

(c) ensure that only a person licensed under the provisions of this Schedule as an accessible taxicab driver, and whose licence is endorsed by the Issuer of Licences, is permitted to drive an accessible taxicab under his or her control;

(d) keep accurate, daily, records of the number of trips made for disabled passengers and for non-disabled passengers; and

(e) give priority to the use of the accessible taxicab by disabled passengers, and then permit its use for non-disabled passengers.

51. DRIVER PROHIBITIONS

No licensed driver shall;

(1) operate a taxicab where the number of passengers carried exceeds the manufacturer's seating capacity rating and no more than the maximum insured capacity for the vehicle.

(2) operate a taxicab where seat belts are not available for use by each passenger carried;

(3) operate a taxicab with luggage or any object placed in, hung on or attached to the vehicle in such a manner as will obstruct the drivers view;

(4) be under the influence of any intoxicant or take, consume or have in his or her possession any alcohol, drugs or intoxicants while in charge of or operating a taxicab nor shall the use thereof by him or her be apparent while he or she is operating or is in charge of such vehicle;

(5) operate a taxicab for more than 12 consecutive hours during any period of 24 consecutive hours;

(6) operate a taxicab other than as a taxicab;

(7) use any fare or Tariff card while operating a taxicab other than the Tariff card issued by the City;

(8) remove, exchange, lend or otherwise dispose of a Tariff card issued by the City;

(9) while operating a taxicab take on any additional passengers after the vehicle has departed from any one starting point, except under the following circumstances:
(a) when done at the request of a passenger already in the taxicab; or
(b) in an emergency situation; or
(c) an accessible taxicab, when engaged in the conveyance of disabled persons.

(10) operate a taxicab which does not have an owner's plate affixed thereto;

(11) operate a taxicab where the owner of the taxicab is not licensed as an owner under this Schedule;

(12) when operating a taxicab permit a passenger to stand while the vehicle is in motion;

(13) when operating a taxicab recommend hotels, restaurants or other like facilities unless requested to do so by the passengers;

(14) operate a taxicab when the taxicab meter is not in accordance with the then existing current tariff/fare rates set out in this Schedule;

(15) operate a taxicab when the taxicab meter does not operate properly;

(16) operate a taxicab when the taxicab meter seal has been broken, altered or removed unless authorized under section 42;

(17) operate a taxicab without door side numbers and letters and a roof light as required by this Schedule;

(18) operate a vehicle which is not approved for use as a taxicab by the Issuer of Licences;

(19) operate a taxicab unless such vehicle:
   (a) is equipped with a spare tire and jack, ready for use for that vehicle;
   (b) meets the standards required for the issue of an acceptance under an Ontario Ministry of Transportation Vehicle Inspection report, or meets the standards for the issue of a Safety Standards Certificate of mechanical fitness;
   (c) is clean, dry and in good repair as to its interior; and
   (d) is clean and in good repair as to its exterior, free from exterior body damage and with a well maintained exterior paint finish.

(20) recover or receive any fare or charge from any passengers or persons who had demanded his or her services which is greater or less than the fare, tariff or charge authorized by this Schedule save and except for a tip or gratuity, or otherwise as authorized under this Schedule;

(21) when operating a taxicab recover or receive any fare or charge from any person to whom he or she has refused to show the Tariff card;

(22) when operating a taxicab, make any charge for time lost through defects or inefficiency of the taxicab or the incompetence of the driver;

(23) when operating a taxicab, make any charge for the time elapsed due to early arrival of the taxicab in response to a call for the taxicab to arrive at a fixed time;

(24) when operating a taxicab, induce any person to engage his or her taxicab by any misleading or deceiving statement or representation to that person about the location or distance of any destination named by that person;

(25) knowingly drive about the streets in his or her cab any person for the purpose of soliciting from the cab for acts of prostitution or for the purpose of any illegal act ;

(26) solicit any person to take or use his or her taxicab by calling out or shouting. The person wishing to use or engage a taxicab shall be left to choose without interruption or solicitation;

(27) employ or allow any runner or other person to assist or act in concert with such driver in obtaining any passenger or baggage at any of the public taxicab stands, railway stations or elsewhere in the said City;

(28) be actively affiliated with more than one licensed taxicab broker at any one time;

(29) carry any passenger who is under the influence of any intoxicant while his or her taxicab is occupied by a person who is not accompanying the person so under the influence;

(30) carry any person while on duty or subject to call, other than the person or persons employing his or her services, unless first approved by that person;

(31) smoke in a taxicab;

(32) transport liquor, spirits, beer or any other alcoholic beverage except in strict compliance with the Liquor Licence Act, R.S.O. 1990, as amended, and the Alcohol and Gaming Regulation and Public Protection Act;

(33) when requested by the Issuer of Licences, fail to return or surrender any licence issued under this Schedule;

(34) overcrowd a public taxicab stand, nor back onto the same nor push or displace any taxicab already in the stand. (A driver who wishes to enter a public taxicab stand with his or her taxicab shall do so by taking his or her position at the end of any line formed by other taxicabs already in the stand and when a driver is either first or second in line in such stand, he or she shall remain in the driver's seat of his or her taxicab ready to be hired);

(35) while carrying on or engaged in the conveyance of passenger(s) stop, stand or park a taxicab on any highway except as authorized by law;

(36) take on any additional passenger after the cab has departed with one or more passengers from any starting point except at the request of a passenger already in the cab or with the approval of the Issuer of Licences due to special emergency conditions;

52. OWNER'S DUTIES

No licensed owner shall fail to:

(1) hold a separate taxicab owner licence for each vehicle used or kept for hire as a taxicab;

(2) obtain and maintain in good standing a taxicab driver's licence issued in accordance with this Schedule;

(3) keep at all times in the taxicab of which he or she is the owner, the original, or a photostat copy of the original, of each of the following documents:

   (a) the motor vehicle registration issued under the Highway Traffic Act and current Ontario Ministry of Transportation passenger Motor Vehicle Permit issued for that licensed vehicle;

   (b) the current taxicab owner's licence issued in accordance with this Schedule;

   (c) when operating the taxicab, the current taxicab driver's licence issued under this Schedule; and

   (d) the certificate of liability insurance for the vehicle, in accordance with this Schedule;

(4) for each taxicab for which the owner holds a licence, and before use of the taxicab,

  (a) obtain and maintain a policy of insurance in respect of the taxicab in full force and effect during the entire period of time for which the licence is issued and in full force and effect in an amount not less than $5,000,000.00, exclusive of interest and costs, against loss or damage resulting from bodily injury to or death of one or more persons or from loss or damage to property resulting from any one accident;

  (b) provide a special endorsement to the policy of insurance referred to in clause (b), for passenger hazard in an amount not less than $5,000,000.00, exclusive of interest and costs;

  (c) cause to be endorsed on the policy of insurance referred to in clause (b), that the City shall be given at least thirty (30) days prior notice of any cancellation, expiration or change in the amount of the insurance or in terms of the policy; and

  (d) deposit a certified true copy of the policy of insurance and all endorsements with the City;

(5) obtain, place and maintain therein or thereon, for each vehicle licensed pursuant to this Schedule, the following:

  (a) a current Tariff card, Taxicab Passengers' Bill of Rights card, Taxicab Driver's Bill of Rights card and driver's photo identification in a holder securely affixed on the upper portion of the rear of the driver's seat of the vehicle in a location clearly visible to the passenger(s) or in a manner approved by the Issuer of Licences;

  (b) the taxicab owner's plate securely affixed to the left rear trunk, or at a location and in a manner approved by the Issuer of Licences; and

  (c) the owner's plate number for that taxicab displayed in contrasting colours in letters of at least 15cm affixed on both side doors or at a location and in a manner approved by the Issuer of Licences;

(6) inform the Issuer of Licences forthwith of any changes in the motor vehicle registration of the licensed vehicle;

(7) have in his or her vehicle a taxi meter of the type approved and road tested by the Issuer of Licences or Officer and mounted in a position approved by the Issuer of Licences or Officer so that it is clearly visible to the passengers in the front and rear seats of the taxicab;

(8) have on his or her vehicle an electrically illuminated roof sign which is securely attached to the top of the taxicab in a manner approved by the Issuer of Licences or Officer and wired to the taxicab meter and working in conjunction with the taxicab meter so that it is not illuminated when the meter is engaged and is illuminated when the headlights are on and the meter is in the vacant status;

(9) ensure that each vehicle for which he or she is licensed is, in its interior, neat, clean, dry and in good repair; and, on its exterior, clean and in good repair, free from exterior body damage and has a well-maintained paint finish;

(10) repair any mechanical defect in the taxicab, reported to such owner by a licensed driver or directed by the Issuer of Licences or an Officer to be repaired;

(11) report forthwith to the Issuer of Licences any accident in which his or her taxicab was involved;

(12) submit each licensed taxicab for mechanical fitness and safety inspection by a qualified and licensed automobile mechanic, approved by the Issuer of Licences, annually, at such other time or times prescribed by this Schedule and as requested to do so by an Officer or the Issuer of Licences, and

submit to the Issuer of Licences a valid Safety Standards Certificate issued in accordance with the Highway Traffic Act of Ontario at the time of the taxicab licence renewal or transfer;

(13) submit each licensed taxicab for general inspection and approval by the Issuer of Licences or an Officer annually, and at such other time or times when requested to do so by either of them;

(14) equip each licensed taxicab with an exterior emergency lighting warning system to provide safety for the taxicab driver;

(15) within the five years of the date of enactment of this Schedule, equip each licensed taxicab with a Global Positioning System, on-board cameras and such other safety alternatives as may be prescribed from time to time by the Issuer of Licences;

(16) ensure that taxicab drivers in his or her employ retain the daily trip records referred to in this Schedule for a period of time not less than twelve (12) months, that such records shall be open to inspection by any person authorized by the Issuer of Licences and that such records may be removed and retained by the Issuer of Licences for a reasonable time and copied by the Issuer of Licences or any person authorized by the Issuer of Licences;

(17) retain copies of the daily trip sheet submitted by the licensed driver of the taxicab to the owner for at least twelve (12) months and make them available for inspection, copying and retention at the request of and by the Issuer of Licences or any person authorized by the Issuer of Licences;

(18) employ or use only the services of taxicab drivers licensed under this Schedule;

(19) carry on or engage in or otherwise continuously operate or make his or her taxicab available for service within the City during the term of his or her licence;

(20) notify the Issuer of Licences in writing within six days of a change of address;

(21) in the case of a corporation or partnership, notify the Issuer of Licences immediately upon a change in ownership of the individual holding shares of the company;

(22) make application to the Issuer of Licences for requalification under the provisions of this Schedule for a taxicab owner licence should a threshold percentage of twenty percent of the company shares change ownership;

(23) before acting as a taxicab driver, comply with all the requirements for the issuance of a taxicab driver's licence under this Schedule, except that payment of the fee for issuance of a driver's licence shall not be required;

(24) require all drivers using or operating the owner's licensed taxicab to comply with the requirements of this Schedule applicable to taxicab drivers;

(25) in addition to complying with all other requirements of this Schedule with respect to taxicab owners, every licensed accessible taxicab owner shall:

(a) keep accurate records of the number of trips made monthly for disabled passengers and for non-disabled passengers;

(b) ensure that the accessible taxicab he or she is operating:

(i) is equipped with an extra tire, wheel and jack ready for use for that vehicle;

(ii) has approved wheelchair tie down;

(c) in addition to all of the other general taxicab owner responsibilities prescribed by this Schedule, ensure that only a person licensed under the provisions of this Schedule as an accessible taxicab driver, whose licence has been endorsed by the Issuer of Licences, is permitted to drive an accessible taxicab under his or her control;

(d) ensure that before using, or permitting to be used, any vehicle that is licensed under the provisions of this Schedule as an accessible taxicab, that the said vehicle complies with Ontario Regulation 629/02 of the Highway Traffic Act, as amended, and Canadian Standards Association's Standard D409-M84, and all other pertinent federal and provincial regulations as established from time to time; and

(e) ensure that priority is given to the use of the accessible taxicab by disabled passengers, and thereafter permit the taxicab to be used for non-disabled passengers.

53. OWNER PROHIBITIONS

No licensed owner shall:

(1) operate or permit the operation of a vehicle not owned by him or her under the authority of his or her owner's plate and licence;

(2) employ any person to operate his or her taxicab who does not hold a valid taxicab driver licence issued pursuant to this Schedule;

(3) fail to continuously operate the vehicle for which a taxicab owner's plate has been issued;

(4) operate or permit the operation of a vehicle of which he or she is the owner where the vehicle is not approved for use as a taxicab under the provisions of this Schedule.

(5) operate or permit the operation of a taxicab of which he or she is the owner, without attaching the current taxicab owner's plate for that taxicab in the manner prescribed under the provisions of this Schedule;

(6) fail to have a vehicle which has been approved by the Issuer of Licences for the owner's plate issued pursuant to this Schedule unless otherwise exempted in this due to repair or replacement of such vehicle;

(7) fail to affix the taxicab owner's plate to the vehicle approved for use as a taxicab by the Issuer of Licences;

(8) operate or permit the operation of a taxicab of which he or she is the owner while displaying any owner's plate issued by the licensing authority of any other municipality;

(9) fail to submit the vehicle for inspection when required to do so by the Issuer of Licences or an Officer under section 43 and 44 of this Schedule;

(10) permit any driver to operate such owner's taxicab for any period in excess of 12 hours during any period of 24 consecutive hours;

(11) operate or permit the operation of a taxicab where such vehicle has mechanical defects;

(12) operate or permit the operation of a taxicab where such vehicle has substantial exterior body damage or rust;

(13) operate or permit the operation of a taxicab of which the owner is in affiliation with a taxicab broker who is not licensed under this Schedule;

(14) operate or permit the operation of a taxicab of which he or she is the owner while displaying or bearing any sign, emblem, decal, ornament or advertisement, on or in his or her vehicle except in a form approved by the Issuer of Licences;

(15) operate or permit the operation of a taxicab, of which he or she is the owner, which displays or bears advertising, unless in accordance with the Advertising Prerequisites contained in subsection 54(15)(a) and such other advertising prerequisites and guidelines as may be established by the Issuer of Licences from time to time;

(a) An owner may operate or permit the operation of a taxicab which displays or bears advertising provided that;
  (i) the content of the advertising shall not be of an obscene, racist, sexist or discriminatory nature;
  (ii) all advertising, advertising signs and sign holders shall be securely mounted to the taxicab in such a manner as to prevent the sign, holder and any advertising materials exhibited thereon from loosening, separating or coming free during the operation of the taxicab;
  (iii) no advertising, advertising sign or sign holder on the rooftop or exterior of a taxicab shall, in any way, block, hamper, obstruct or obscure the view of any person of the taxicab licence number, taxicab licence plate, name of the owner of the taxicab and, where applicable, its broker;
  (iv) no advertising, advertising sign or sign holder shall be placed or located on any window of the taxicab;
  (v) the number of interior advertisements or advertising signs shall not exceed five (5);
  (vi) no interior advertisement or advertising sign shall exceed twenty-six centimetres by thirty-one centimetres (26cm x 31cm) in size;
  (vii) no interior advertising, advertising sign or sign holder shall be placed or located in such a way as to obstruct or obscure the vision of the driver or obstruct or hamper the driver's operation of the taxicab, in any way, or obstruct or obscure the view, from all passenger seats, of the driver's photo identity card, the taxicab meter, the driver's taxicab licence, the tariff/fare card, the Passengers' Bill of Rights card and the Driver's Bill of Rights card;
  (viii) the number of exterior advertisements or advertising signs shall not exceed one (1);
  (ix) exterior advertisements or advertising signs shall only be placed or located on the rear end of the taxicab;
  (x) exterior advertisements or advertising signs shall not exceed sixteen centimetres by ninety-two centimetres (16cm x 92cm) in size;
  (xi) the number of rooftop mounted signs shall not exceed one (1);
  (xii) a rooftop mounted sign shall be illuminated;
  (xiii) a rooftop mounted sign not exceed one hundred and twenty-two centimetres in length, seventy-nine centimetres in width, and forty-six centimetres in height (122cm L x 79cm W x 46cm H); and

(b) any exterior advertisement painted on a vehicle or secured on a rooftop advertising sign, not in accordance with the advertising prerequisites contained in subsection 54(15) but previously approved by the Issuer of Licences at the time of the enactment of this Schedule, shall be removed from the taxicab at the earlier of the date upon which the taxicab is repainted, replaced, or the second anniversary of the date of enactment of this Schedule;

(16) operate or permit the operation of a taxicab of which he or she is the owner unless equipped with a taxicab meter which has been tested, sealed and approved by the Issuer of Licences or Officer unless authorized under section 42;

(17) operate or permit to operate a taxicab when the taximeter is out of order or defective in any way or the taximeter seal is broken, altered or not intact unless authorized under section 42;

(18) use or permit to be used any taxicab licence issued to such owner pursuant to this Schedule for any vehicle other than the vehicle for which the licence was issued;

(19) knowingly drive or permit to be driven about the streets in his or her cab any person for the purpose of soliciting from the cab for acts of prostitution or conducting or soliciting any illegal acts;

(20) operate, or permit to be operated, a taxicab which was constructed or subsequently modified to permit the loading, transportation and off-loading of those individuals confined to a wheelchair, or similar device used to assist the physically disabled, without transfer, which does not comply with Ontario Regulation 629/02, as amended, and Canadian Standards Association's Standard D409-M84;

(21) when requested by the Issuer of Licences, fail to return or surrender any licence, owner's plate, or other documentation or identification, issued by the Issuer of Licences pursuant to this Schedule, to the Issuer of Licences;

(22) when requested by the Issuer of Licences, fail to surrender to the Issuer of Licences any daily trip sheets prescribed and required by this Schedule;

(23) lease or otherwise lend an owner's licence issued under this Schedule or a vehicle approved for use as a taxicab unless approval by the City has been granted;

(24) by a written or verbal agreement sub-lease the taxicab or transfer the responsibility for the operation thereof to a third party; and

(25) enter into any written or oral agreement, directly or indirectly, permitting or acquiescing in the operation of the taxicab for which the licence was issued, by any other person who is not a licensed taxicab driver.

54. TAXICAB BROKER DUTIES

Every licensed taxicab broker shall:

(1) maintain an office, from which the taxicab brokerage is operated;

(2) require all taxicab owners who have entered into arrangements with such broker for the provision of taxicab brokerage services to affix to the side doors of the vehicle identification numbers and letters in a form approved by the Issuer of Licences;

(3) provide to the Issuer of Licences the name of every owner and driver required to be licensed under this Schedule with which he or she has entered into any arrangement for the provision of taxicab brokerage services;

(4) keep a record of all owners operating taxicabs in association with him or her such record to show the number of taxicabs operated by each owner, including his or her name and address and the number of the licence issued under this Schedule in respect of each;

(5) notify the Issuer of Licences, in writing, within ten (10) days of any additions or deletions from the list provided under subsection (3) of this section;

(6) carry on or engage in or otherwise continuously operate the taxicab brokerage business within the City;

(7) require all owners and drivers of taxicabs operating within the broker's taxi fleet to comply with the requirements of this Schedule;

(8) maintain an accurate record of all requests for the hire of a taxicab along with the following information for each taxicab dispatched:

(i) the number of the taxicab owner licence issued under the provisions of this Schedule;

(ii) the date and time of receipt of the order and of the dispatching;

(iii) the name and taxicab driver licence number of the driver; and

(iv) the address to which such taxicab is dispatched,

and retain these records for a twelve (12) month period;

(9) dispatch a taxicab to any person requesting service within the municipality, unless the person requesting service has not paid for a previous trip and these facts are verified by the broker;

(10) post in a conspicuous location in the business office, viewable by the public, the licence issued under this Schedule;

(11) at the direction of the Issuer of Licences not dispatch calls to any taxicab, if the licensed owner or licensed driver, in the opinion of the Issuer of Licences, has contravened any section of this Schedule;

(12) at the request of the Issuer of Licences, provide a list showing the number of taxicabs available for service to the public on any particular day, including the times when it was last available for service on that day and also including the number of dispatched calls serviced by each such taxicab;

(13) employ or use only the services of an owner or driver licensed under this Schedule; and

(14) Post and maintain a copy of the Ontario Human Rights Commission's publication entitled "Declaration of Management Policy", on bulletin boards and on other similar locations provided for the regular posting of written notices to drivers or owners of taxicabs operating from the brokerage.

55. TAXICAB BROKER PROHIBITIONS

No licensed taxicab broker shall:

(1) dispatch a taxicab for the purpose of carrying on or engaging in the conveyance of passengers within the City where the owner or driver of the taxicab does not hold a licence for their respective calling issued under this Schedule;

(2) accept orders for, or in any way dispatch or direct orders to a taxicab, licensed under this Schedule:

(a) when the activity would be illegal under a provincial or federal statute; or

(b) where the fare is less than that permitted under this Schedule.

(3) accept orders for, or in any way dispatch or direct orders to a taxicab where the owner of which is not licensed under this Schedule, for a pick-up location within the boundaries of the City of Hamilton;

(4) be permitted to have exclusive rights to any taxicab stand in the municipality;

(5) enter into an agreement for the provision of brokerage services with a taxicab driver or a taxicab owner who is already affiliated with another taxicab broker;

(6) charge a fare or enter into an agreement to charge a fare which is not in accordance with the approved tariff/fare set out in Appendix "1" to this Schedule;

(11) when requested by the Issuer of Licences, fail to return or surrender any licence issued under this Schedule; or

(12) fail to carry on or engage in the taxicab brokerage business for which the taxicab brokerage licence has been issued.

56. PROMOTIONAL SCHEMES

(1) No taxicab broker, taxicab owner, taxicab lessee or taxicab driver shall participate or acquiesce in any promotional scheme or practice of which the purpose, result or effect is to directly or indirectly subsidize the rates, tariffs or fares prescribed in this Schedule, unless in accordance with this section or with the written consent of the Licensing Committee.

(2) A taxicab broker may undertake, participate or acquiesce in a promotional scheme provided that all of the following conditions are met:
  (a) a detailed description including a sample of any voucher or coupon to be used together with a copy of all proposed advertising or promotional material related to the scheme or practice is filed, in advance, with the Issuer of Licenses for approval;
  (b) the Issuer of Licenses has approved the promotional scheme or practice and any voucher or coupon and advertising or promotional material to be used;
  (c) no more than one (1) promotional scheme or practice has been participated, acquiesced in or permitted, in the current calendar year, by the taxicab broker or any taxicab owner, lessee or driver in such broker's service, in association with such broker, or in any arrangement to provide taxicab vehicle use or taxicab driving services for or to such broker;
  (d) all vouchers or coupons and all advertising or promotional material related to the scheme or practice clearly indicate the start date and expiry date for each promotional scheme or practice;
  (e) no promotional scheme or practice undertaken shall be in effect for a period of more than thirty (30) days or have an expiry date later than thirty (30) days from its effective start date;
  (f) the taxicab broker does not accept or permit any taxicab owner, taxicab lessee or taxicab driver to accept a voucher or coupon or like instrument related to the promotional scheme or practice beyond its expiry date;
  (g) the taxicab broker does not accept or permit more than one (1) voucher or coupon or like instrument to be used or credited against a tariff, fee or rate prescribed in this Schedule per trip per vehicle regardless of the number of passengers in a taxicab vehicle;
  (h) the taxicab broker does not issue or make available a voucher or coupon or like instrument with a value more than One ($1.00) Dollar in Canadian funds;
  (i) the promotional scheme or practice is only at the cost of the taxicab broker not directly or indirectly at the cost or expense of a taxicab owner, taxicab lessee or taxicab driver; and
  (j) the taxicab broker has not violated or contravened any of the Promotional Scheme terms and conditions set out in this section, in the past five (5) years.

(3) An owner, lessee or driver of a taxicab may participate or acquiesce in a promotional scheme or practice of a taxicab broker that is authorized under this section.

(4) A broker of a taxicab may only undertake, participate or acquiesce in a promotional scheme or practice in accordance with subsection 56(2) unless the broker obtains the written consent and approval of the Licensing Committee.

(5) With the exception of subsection 56(3), an owner, lessee, or driver of a taxicab may only undertake, participate or acquiesce in a promotional scheme or practice with the written consent and approval of the Licensing Committee.

57. CUSTOMER SERVICE

(1) A taxicab driver, owner and broker shall ensure that:

(a) A Taxicab Passengers' Bill of Rights in the prescribed form, as set out in Appendix "5", for all taxicabs, is displayed on the upper portion of the rear of the driver's seat in a position clearly visible to the passenger(s) to inform Taxicab passengers of their rights;

(b) A Taxicab Driver's Bill of Rights in the prescribed form, as set out in Appendix "6", for all taxicabs, is displayed on the upper portion of the rear of the driver's seat in a position clearly visible to the passenger(s) to inform Taxicab passengers of the rights of the Taxicab Driver; and

(c) A taxicab Tariff card and Taxicab Driver photo identification card is displayed as prescribed in this Schedule.

(3) Every broker shall post in a conspicuous place in their place of business, clearly visible to the public, the City customer complaints/compliments hotline telephone number and follow-up and resolution process prescribed by the Issuer of Licences.

58. ADMINISTRATION AND ENFORCEMENT

(1) This Schedule shall be administered and enforced by the Director of Building & Licensing, Planning & Development with delegation of the enforcement to any Officer.

(2) A Municipal Enforcement Officer has the authority, if the Officer is in the opinion that the vehicle contravenes the Schedule or public safety is at risk, to:

(i) remove a taxicab from service;

(ii) remove the City of Hamilton taxi plate from the taxicab;

(iii) remove the roof sign; and

(iv) remove the taxicab meter.

59. PENALTIES

(1) Fine - for contravention

Every person who contravenes any provision of this Schedule, and every director or officer of a corporation who concurs in such contravention by the corporation, is pursuant to section 161 (2) of the Municipal Act, 2001 guilty of an offence and on conviction is liable to a fine not exceeding $25,000.

(2) Fine - for contravention – corporation

Despite subsection (1) where a corporation is convicted of an offence under the provisions of this Schedule pursuant to section 161 (3) of the Municipal Act S.O. 1994, c.37, s.3(1) is liable to a fine not exceeding $50,000.00.

60. OBSTRUCT OFFICER

No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer, the Issuer of Licences and/or the Licensing Committee exercising a power or performing a duty under this Schedule or By-Law 01-156 pursuant to section 426 of the Municipal Act, 2001.

61. PROHIBITION ORDER

Pursuant to the provisions of section 442 of the Municipal Act, 2001, when a person has been convicted of an offence under this Schedule, the Ontario Court of Justice (Provincial Division) of the City of Hamilton, or any court of competent jurisdiction thereafter may, in addition to any other penalty or order imposed, make an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation of repetition of the offence.

62. RESTRAINING ORDER

Pursuant to the provisions of section 443 of the Municipal Act, 2001 in addition to any other remedy and to any penalty imposed by the Schedule, any such further contraventions may be restrained by action by the City.

63. STATEMENT OF THE CLERK

For the purposes of prosecution, under this Schedule and pursuant to section 436(4) of the Municipal Act, 2001, a statement as to the licensing or non-licensing of any premise or person signed by the Clerk is, without proof of the office or signature, receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated therein.

64. COURT ORDERS/BARRING OF ENTRY/CLOSING OF PREMISES

The provisions of section 432 of the Municipal Act, 2001 respecting the issuance of court orders, the banning of entry, and the closing of premises shall apply to this Schedule where required.

65. COLLECTION OF FINES

Where any part of a fine for a contravention of this Schedule remains unpaid after the fine becomes due and payable under section 66 of the Provincial Offences Act, R.S.O. 1990, c. P 33, including any extension of time for payment ordered under that section the Issuer of Licences is hereby authorized, pursuant to section 440(1) of the Municipal Act, 2001, to give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty-one (21) days after the date of the notice, by delivering the notice or causing it to be delivered to that person at the person's residence or place of business.

66. DISTRESS FOR UNPAID FINES

Pursuant to subsection 440(3) of the Municipal Act, 2001, where a fine remains unpaid after the final date on which it is payable as specified in the notice, the fine shall be deemed to be unpaid taxes and, pursuant to subsection 351(1) of the Municipal Act, 2001, the Issuer of Licences or the treasurer of the City may seize the following to recover the taxes and costs of seizure, subject to the exemptions provided for in subsection 351(3) and (4) of the Municipal Act, 2001:

(1) The personal property belonging to or in the possession of the person fined.

(2) The interest of the person fined in any personal property including such person's right to the possession of any personal property under a contract for purchase or a contract b which the person fined becomes the owner of the property upon performance of any condition.

(3) The personal property on the land and any interest therein as described in subsection 67(2) of this Schedule of the owner of the land, even if the owner's name does not appear on the tax roll.

(4) Any personal property on the land, title to which is claimed under any assignment or transfer made for the purpose of defeating the seizure.

(5) Subsections 351(5), (7), (8), (9), (10), (13) and (14) of the Municipal Act, 2001 apply with necessary modifications to a seizure for an unpaid licensing fine under this Schedule.

67. LEVY OF FINES UNDER WARRANT

(1) Despite section 66 of this Schedule, the treasurer or an Officer of the City may seize personal property, pursuant to section 351(2) of the Municipal Act, 2001, after a tax bill has been sent but before the due date if,
  (a) the treasurer or an Officer has good reason to believe that personal property subject to seizure is about to be removed from the City before its due date;
  (b) the treasurer or an Officer makes an affidavit to that effect before a Justice of the Peace or the head of Council of the City; and
  (c) the Justice of the Peace or head of Council of the City issues a warrant authorizing the treasurer or an Officer to levy for the fines and costs in the manner provided by this section.

(2) Subsections 351(5), (7), (8), (9), (10), (13) and (14) of the Municipal Act, 2001 apply with necessary modifications to a seizure for an unpaid licensing fine under this Schedule.

(3) No defect, error or omission in the form or substance of the notice required by this Schedule invalidates any subsequent proceedings for the recovery of a fine.

68. PROCEEDS OF FINES

Pursuant to the provisions of section 437 of the Municipal Act, 2001, where a person has been convicted of any offense under this Schedule, every fine imposed for contravention of this Schedule belongs to the City of Hamilton.

69. SEVERABILITY

Notwithstanding that any section or sections of this Schedule, or any part or parts thereof, may be found by any court of law to be invalid or illegal or beyond the power of the Council to enact, such section or sections or part or parts thereof shall be deemed to be severable, and all other sections of this Schedule, or parts thereof, are separate and independent therefrom and enacted as such.

70. APPENDICES

Appendices "1", "2", "3", "4", and "5" attached hereto form part of this Schedule.

71. REPEAL and AMENDMENTS

(1) The following By-Laws:

former Town of Flamborough By-Law #90-24-L - taxi and limousine schedule;
former Township of Glanbrook By-Law #476-92;
former Town of Ancaster By-Law #79-66, amended by By-Law #91-02;
former Town of Dundas By-Law #4200-95;
former City of Stoney Creek By-Law #4413-96, amended by By-Laws #4519-97, 5041-99, 5074-00; and
former City of Hamilton By-Law #98-203, Schedule 2

shall be and the same are hereby repealed.

(2) Schedule 25 of City of Hamilton By-Law No. 01-156 be and the same is hereby amended.

72. FORCE AND EFFECT

This Schedule shall come into force and take effect on the date of its passing and enactment.

ENACTED AND PASSED

CLERK

MAYOR

Schedule 25

Appendix 1

Meter Increase – Taxi Fares

- The meter increase approved by Council is now included in the proposed by-law as follows:

For the first 71.4 metres or part thereof	$2.50
For each additional 71.4 metres or part thereof	$0.10 ($1.40/km)
For waiting time while under engagement for each 14 (fourteen) seconds	$0.10
Livery or meter cabs by agreement (per hour)	$32.10

That the above rates include the Federal Goods and Services Taxes; and

That promotional discounted fares be prohibited subject to approval of Issuer of Licenses.

Senior Citizens 10% reduction Calculated on the highest FULL Dollar registered on taxi meter

Schedule 25
Appendix 2

TaxiTrip Sheet

ate__________ Start Shift Time ________ End Shift Time __________

rivers Name ________________ Taxicab # __________ Broker __________

	From	Starting Odometer	Destination	Arrival Odometer	Charged	Flate Rate	Metered Rate	
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
22								
23								
24				Totals				
25								
26								
27				Grand Total				
	Equipment Faults: Brakes		Steering	Lights				
	Exhaust System		Radio	Meter				
	Cleanliness & Damage: Interior		Exterior	Check: Oil		Transmission Fluid		
	Driver Comments:							

Schedule 25
Appendix 3

Priority List

NO.	APPL' DATE	FIRST NAME	LAST NAME
1	11-May-73	LOU	PARCO
2	01-Feb-78	MARILYN	MAJOROS
3	13-Feb-78	PAUL	HATHAWAY
4	15-Feb-78	ROMAN	JANKEVICIUS
5	16-Feb-78	CECIL	SNOW
6	07-Mar-78	GEORGE	KEPENYES
7	03-Apr-78	HANS	WIENHOLD
8	17-Apr-78	KHALIL	ZOUROB
9	24-Jul-78	ISHAR SINGH	THIARA
10	30-Mar-79	JOSEPH	KUBINA
11	03-Apr-79	PETER C.	ELDRIDGE
12	09-May-79	GORDON	SIMIGIAN
13	09-May-79	GARY A.	VERE
14	09-May-79	JOHN	DRISCOLL
15	09-May-79	KEN	MUSCHIK
16	11-May-79	JUNE	LUKE
17	15-May-79	DANIEL	GAGNON
18	17-May-79	EDWARD J.	HALLORAN
19	18-May-79	LEOPAULD G.	BEAUCHAMP
20	18-May-79	WALID	CHAFIC
21	23-May-79	HANNIBAL	RIZZUTO
22	06-Jun-79	LEONARD	WILLETTS
23	26-Jun-79	GERALD J.	TREMBLAY
24	05-Jul-79	STAN	KROK
25	13-Jul-79	GORDON	CUMMING
26	15-Aug-79	ADNAN	SHEDHADEH
27	11-Sep-79	SHARON	BELLAMY
28	01-Oct-79	DANIEL L.	BERNIER
29	05-Oct-79	LORRAINE	MOONEY
30	30-Oct-79	WILLIAM J.	PERKINS
31	09-Nov-79	LARRY	ROBERGE
32	14-Nov-79	ROGER	FRANCOEUR
33	06-Dec-79	PETER	OBRATOSKI
34	12-Feb-80	MARC STUART	HATHAWAY
35	14-Feb-80	YOGINDER K.	SHARMA
36	27-Feb-80	ADELIA	BALICE
37	28-Feb-80	COSIMO	BALICE
38	14-Jul-80	ANTHONY PAUL	DICICCIO
39	29-Jul-80	INAM-UR	REHMAN
40	06-Oct-80	GURDIP S.	SOOR

41	05-Dec-80	MOHAMMAD	AHMED
42	22-Dec-80	KALOUST	KALOUSTIAN
43	23-Dec-80	ROBERT	KOCZERZAT
44	24-Dec-80	SOLOMON	MARCELLIN
45	07-Jan-81	RANDALL G.	CRUDEN
46	22-Apr-81	JOHN	WEISS
47	30-Apr-81	SHIRLEY	HATHAWAY
48	06-Aug-81	DANIEL	VELTRI
49	26-Oct-81	STEPHEN	JONES
50	24-Nov-81	WAYNE STEWART	MCGREGOR
51	28-Jan-82	ANTHONY F.	RIZZUTO
52	28-Jan-82	JOHN FRANCIS	MOONEY
53	01-Feb-82	PHILIP	DALES
54	08-Feb-82	DRAGO	BASIC
55	26-Feb-82	JOHN C.	MACDONALD
56	18-Mar-82	THEODORS	TOMA
57	05-Apr-82	PUTRUS	ISAK
58	14-Apr-82	JOGINDAR SINGH	DHALIWAL
59	08-Jun-82	KEITH	JOHNSON
60	10-Jun-82	DONNA	BOURKE
61	24-Jun-82	ANDREA ROCHELLE	ROSART
62	24-Jun-82	WILLIAM	KHAMMO
63	21-Jul-82	THOMAS F.	SEBISTY
64	08-Oct-82	RICHARD	SINDALL
65	18-Oct-82	HARBANS SINGH	KALSI
66	01-Nov-82	MARK	GRANBY
67	08-Nov-82	WILLIAM G.	ROMANS
68	17-Dec-82	ELIZABETH JANE	MILLIGAN
69	23-Dec-82	AHMAD	MALIK
70	02-Feb-83	RONALD	GEER
71	27-Apr-83	BASIL W.	SCIME
72	09-Jun-83	SANDRA	FUKUMOTO
73	04-Jul-83	DANE	HATHAWAY
74	19-Sep-83	BRENDA	ROBERGE
75	12-Jul-84	RUDOLPH A.	CIZEK
76	02-Aug-84	JEFFERSON LEE	JOHNSON
77	03-Oct-84	COLLETTE	ROBERGE
78	10-Oct-84	AL	REICHERT
79	22-Oct-84	ANNE	SCIME
80	14-Dec-84	ZERE	TEWOLDE
81	19-Dec-84	MICHAEL	ROTH
82	28-Dec-84	RONALD W.	MOROZ
83	26-Feb-85	MOHAMMAD NAEEM	KHAN
84	16-Jan-86	LEONARD	ROBERGE
85	31-Jan-86	KARLIS	VALODZE
86	02-Jul-86	MICHAEL	GEER
87	03-Jul-86	DENISE	GEORGIAN
88	05-Aug-86	SHABIR	AHMED
89	05-Sep-86	HABTE-AB	TECHLE-MARIAM

90	23-Oct-86	PETER H.	ROBERTSON
91	15-Dec-86	JEFF	SINDALL
92	29-Dec-86	ANTHONY R.	RIZZUTO
93	29-Dec-86	SHAHID	BUTT
94	30-Dec-86	SHAKIL	SIDDIQUI
95	05-Jan-87	BASHARAT	BUTT
96	09-Jan-87	ERIC	SHEPHERD
97	26-Jan-87	WAYNE	LEPINE
98	19-Feb-87	GORDON A.	GREB
99	29-May-87	KENNETH C.	REICHERT
100	23-Jun-87	TOM	PARCO
101	23-Jun-87	DOROTHY	VAN KLEEF-HUNT
102	23-Jun-87	VALENTINO	DALBELLO
103	23-Jun-87	MARIA	DALBELLO
104	23-Jun-87	HUGO	DIFRANCESCO
105	23-Jun-87	MARY ANN	DIFRANCESCO
106	23-Jun-87	MARY	MARTINAC
107	31-Aug-87	ALISA A.	CLEARY
108	08-Oct-87	BONNIE L.	GEER
109	21-Dec-87	JOSEPH	VARGA
110	05-Jan-88	FREDERICK J.	MULDOON
111	06-Jan-88	MARIO	POSTERARO
112	13-Jan-88	JAGIR	MULTANI
113	29-Jan-88	MOHAMMAD	FAROOQ
114	22-Feb-88	AL	ARTHURS
115	22-Feb-88	RAPHAEL	KOLENKO
116	26-Feb-88	MARTHA	FERGUSON
117	31-Mar-88	BRIAN	COSGROVE
118	12-Apr-88	MEL	MCGUIGAN
119	12-Apr-88	GINA-MARIA	MCGUIGAN
120	12-Apr-88	ANGELA	MCGUIGAN
121	25-Apr-88	AUDREY	JOHNSON
122	04-May-88	PANTELIS	ILIOS
123	11-May-88	FARRUKH	QURESHI
124	24-May-88	OLINDO	DALBELLO
125	28-Jun-88	RODGER	MCEACHERN
126	07-Aug-88	RONALD	AIRTH
127	06-Sep-88	CLAUDIO	BALICE
128	19-Sep-88	GHULAM N.	BUTT
129	27-Sep-88	WILLIAM	ROMANS
130	20-Oct-88	MICHAEL G.	FORD
131	04-Nov-88	ROBERT	MASCHEWSKI
132	11-Jan-89	BRENT J.	DAWSON
133	13-Jan-89	RAY	MAURICE
134	24-Jan-89	JERRY	ZARASKI
135	13-Feb-89	LARRY P.E.	BROADBENT
136	13-Jul-89	JOSEPHINE	RIZZUTO
137	26-Jul-89	PETER	RIHBANY
138	15-Jun-90	WILLIAM	PERKS

139	31-Aug-90	GAIL	RIZZUTO-DOWLING
140	20-Feb-91	RONALD	ROBERGE
141	17-Apr-91	TOKUNBO (DAVE)	OGUNLADE
142	03-Jan-92	JAGTAR SINGH	CHAHAL
143	04-Sep-92	ANGELA	RIZZUTO-ECKLUND
144	25-Apr-95	JOHN CONNELLY	MCGOVERN

Schedule 25

Appendix 4

PASSENGER BILL OF RIGHTS

1. The passenger has the right to:

   - a professional and knowledgeable taxicab driver who is licensed
   - a driver who is provides a safe ride
   - a taxicab driver provides a silent ride if desired
   - a taxicab driver who knows the major streets and destinations
   - a taxicab driver who is courteous and provides assistance
   - a taxicab driver who speaks and understands English
   - a taxicab driver who knows the Taxi By-law and traffic laws

2. The passenger has the right to an effective customer complaint process.

3. The passenger has the right to direct a taxicab driver on the route to be taken.

4. A clean, safe, air-conditioned and smoke-free taxicab.

5. A free ride if the meter is not in a 'recording' position.

6. Obtain a receipt that shows the date, time, the taxicab driver's name, identification number and fare charge

5. Taxi Drivers Licences are to be displayed inside the taxi and the passenger has a right to see it.

7. A passenger has thirty days to file a signed complaint. The complaint must be in writing and include your name, address and telephone number, and address the complaint to:

Standards & Licensing
City Hall
71 Main Street West, 3rd Floor
Hamilton, ON L8P 4Y5

If you have any questions you may call 905.546.2350

SCHEDULE 25

APPENDIX 5

Taxicab Driver BILL OF Rights

A Taxicab Driver has the following rights:

- A clean, safe, licensed, air-conditioned and smoke-free taxicab
- Fair and equitable dispatch service
- Access to a service and skills training program
- A taxicab driver can refuse a customer if the customer requests the taxi driver to carry any passengers or baggage, which the taxi driver is incapable of carrying
- Can refuse a customer if they are drunk or disorderly
- Can refuse a customer if the customer is unable to pay for the fare or if the customer owes money from a previous ride
- Can refuse a customer if the customer requests the driver to carry an animal or baggage, which might be detrimental to the repair, cleanliness or sanitary condition of the taxi (with the exception to seeing eye dog)
- Taxi driver's responsibility to check his taxi after a customer has departed to ensure the customer has not left any belongings in the taxi – if the customer has left something behind the driver is to make every reasonable attempt to return the belonging to the owner. If the owner cannot be found belonging is to be turned over to the Taxi Broker's Office.

Recommendations approved by Council at their meeting dated September 25, 2002:

1. Harmonized By-law for the City of Hamilton/Borders of former Area Municipalities

(a) That taxi cabs licensed by the City of Hamilton have open access across the new City and that all previous borders defined by the former municipalities amalgamated into the new City be eliminated, and include the following regulations:

- (i) That no new taxi plates be issued by the City of Hamilton for one year in order to measure the impact of amalgamation on the taxi industry;
- (ii) That the issuance of future taxi plates be based on the current ratio of taxi plates to population, 1 taxi plate per 1,170 population.
- (iii) That staff develop additional criteria for the issuance of new taxicab plates in addition to the proposed ratio of taxi plates to population, to include:
    - (1) Submission of business plans or proposals to address service level requirements, pockets of population growth due to development, trip volume increases and / or increased ridership in H.S.R;
    - (2) Consideration for the issuance of temporary taxicab plates for special events such as the World Cycling Championships, conventions or Grey Cup;
    - (3) Increase in number of dispatched trips by a brokerage;
    - (4) Increase in the business industry in the City of Hamilton (more hotels, bingo parlours, office space, theatres, shopping centres, bars and restaurants);
    - (5) Population related factors such as overall population increase or decrease, change in apartment or townhouse population, change in caseload for Social Service, and change in senior citizen population;
    - (6) Taxicab stand counts – how long does a taxi wait for a fare (check at peak and off peak time periods);and
    - (7) Industry consultation

2. Owner Operated Taxicabs and Leasing

(a) That all taxi plate owners be required to be directly engaged in the management or day to day operations of their taxi plate(s).

(b) Plate owners may enter into only one lease agreement per plate in the City of Hamilton at any one time.

(c) The lessee must personally operate the leased taxi cab plate a minimum of five eight hour shifts per week.

(d) All parties named in the lease agreement shall provide thirty days written notice to the respective party and to the City of Hamilton Licensing Authority prior to terminating the lease agreement.

(e) The City of Hamilton Licensing Authority shall have the authority to refuse to issue a lease agreement and/or rescind a lease agreement.

(f) The lessee must affix the taxi cab plate on the vehicle within seven days of undertaking the lease agreement.

(g) All lessees must have a current City of Hamilton Taxi Cab Driver license.

(h) That an administration fee of $50 be charged for the late registration of a lease agreement with the City of Hamilton Licensing Authority.

(i) Lessees cannot undertake more than one lease agreement at any time in the City of Hamilton.

(j) Subject to a five year phase in period, a taxicab Broker shall not act as an Agent or party to any lease agreement between the lessor and lessee.

3. **Priority List and the Issuance of Taxicab Plates**

(a) That no new taxi plates be issued by the City of Hamilton for one year in order to measure the impact of amalgamation on the taxi industry

(b) That the issuance of future taxi plates be based on the current ratio of taxi plates to population, 1 taxi plate per 1,170 population.

(c) That staff develop additional criteria for the issuance of new taxicab plates in addition to the proposed ratio of taxi plates to population, to include:

  (i) Submission of business plans or proposals to address service level requirements, pockets of population growth due to development, trip volume increases and / or increased ridership in H.S.R;

  (ii) Consideration for the issuance of temporary taxicab plates for special events such as the World Cycling Championships, conventions or Grey Cup

  (iii) Increase in number of dispatched trips by a brokerage

  (iv) Increase in the business industry in the City of Hamilton (more hotels, bingo parlours, office space, theatres, shopping centres, bars and restaurants)

  (v) Population related factors such as overall population increase or decrease, change in apartment or townhouse population, change in caseload for Social Service, and change in senior citizen population

  (vi) Taxicab stand counts – how long does a taxi wait for a fare (check at peak and off peak time periods)

  (vii) Industry consultation

(d) That the City of Hamilton offer a reduced taxi cab licensing and/or renewal fee to those taxi cabs operating within the communities of the former area municipalities to maintain service levels.

(e) That the existing priority lists for the former Cities of Hamilton (141 names) and Stoney Creek (15) be maintained and merged.

4. **Inactive Taxicab Plates**

(a) That staff undertake further investigation into the activity of all plates in the former area municipalities, and require the former area municipality taxicab plate owners to provide documentation that their respective taxicab plates were actively engaged in the taxi industry for the past three years.

(b) That those former area municipality taxicab plate owners that cannot provide documentation for their respective taxicab plates be denied a taxi owner plate for the City of Hamilton.

(c) Not withstanding b), any former area municipality taxicab plate owner who is denied a taxi owner plate has the right to appeal to the Licensing Committee.

(d) That the following documentation be required to be submitted to the Issuer of Licenses in order to establish the activity of a taxicab plate, and that the documentation cover the time period from 1996 to present date:

- certificate of insurance for the subject vehicle(s)
- drivers' lists
- trip sheets
- mechanical safety certificates
- taxicab drivers to provide T4's
- City inspection certificates
- vehicle ownership

5. **Wheelchair Accessible Taxicabs**

That the issuance of Wheelchair Accessible Taxicab plates be tabled until further consultation is undertaken with the D.A.R.T.S. program administrators.

6. **Customer Service**

(a) That the City of Hamilton improve customer service and create the delivery of top rate service to the taxi riding public through a one-tiered taxi system with new taxi cab plates being issued as the increase in population requires.

(b) That the City of Hamilton adopt:

(i) a Taxicab Passenger Bill of Rights for all taxicabs, to be displayed on the back of the passenger seat to inform Taxicab passengers of their rights; and

(ii) a Taxicab Driver Bill of Rights for all taxicabs, to be displayed on the back of the passenger seat to inform Taxicab passengers of the rights of the Taxicab Driver.

(c) That the City of Hamilton adopt a customer complaints/compliments hotline utilizing 546-CITY, and adopting a follow-up and resolution process.

7. **Quality of Vehicles**

(a) That the use of a spare taxi cab vehicle(s) be limited to operate seven consecutive days; and

(b) That the licensee must notify the City Of Hamilton Licensing Authority prior to placing a spare vehicle in use and identify the licensed taxi cab vehicle the spare is replacing.

(c) That safety and mechanical inspection certificates shall be submitted to the City of Hamilton

Licensing Authority pursuant to the age restriction program requirements.

(d) That the City of Hamilton tender for the inspections of safety and mechanical fitness pursuant to Ministry of Transportation regulations for taxi cab vehicles by a qualified mechanic. These safety certificates are to be submitted to the municipality for licensing or renewal of licensing of the taxi cab vehicle.

(e) That a licensee be limited to one spare vehicle per five licensed taxicab vehicles to a maximum of three spare vehicles.

(f) Spare taxicab vehicle(s) must be inspected by the City of Hamilton Licensing Authority prior to the taxi cab owner's plate being approved for renewal.

(g) That the City of Hamilton include the following age restrictions for those vehicles licensed to operate as taxicabs as follows:

- (i) That a new taxi license will be issued to vehicles which are three (3) model years old or newer.
- (ii) That an existing taxi license will be renewed to those vehicles that are no older than ten (10) model years and meet the requirements of the City of Hamilton Licensing Inspector.
- (iii) That a vintage plate be issued to vehicles ten (10) model years of age and older that meet the requirements of the City of Hamilton Licensing inspector.
- (iv)And that this age restriction program for currently licensed taxicab vehicles be phased in over a three-year period.

(h) That the City of Hamilton require mechanical and safety inspections for each taxi cab vehicle to be licensed or to renew a license, as follows:

- (i) That taxi cab vehicles with a model of three (3) years of age or less be required to undergo mechanical inspections and City of Hamilton inspections one time per year.
- (ii) That taxi cab vehicles with a model year more than three (3) years old to a maximum of ten (10) years old be required to undergo mechanical inspections and City of Hamilton inspections as follows:

  Three (3) to five (5) years must be inspected twice per year

  Six (6) to ten (10) years must be inspected three times per year

The Sub-Committee requested that the added cost of undertaking more inspections be charged to the owner of the older vehicle and that the owner be required to sign an agreement with the City.

8. Driver Training and Safety

(a) That the City of Hamilton develop an enhanced and expanded taxi driver training program beyond the existing requirements for new and currently licensed taxi drivers.

(i) That all new drivers be required to undertake this training program.

(ii) That all existing licensed taxi drivers be required to undertake the training program within three years of the date of enactment of this schedule of the City of Hamilton Licensing Code.

(iii) That this training program include an in-car component, as well as in-class tests and sessions to encompass geography, customer service, tourism, hospitality, defensive driving, communication skills, cab maintenance, by-law provisions and monetary transactions.

(iv) That only those persons successfully completing the aforementioned training course will be issued a taxi driver licence in the City of Hamilton, and will undergo re-testing as deemed necessary by the City of Hamilton Licensing Authority.

(v) And that the City of Hamilton play a regulatory rather than an administrative role in the provision of the driver training program.

(b) That all taxicabs operating in the City of Hamilton be equipped with an exterior emergency lighting warning system to provide safety for the taxicab driver.

(c) That within the next five years, all taxicabs be equipped with a G.P.S. system and other safety alternatives, and cameras.

9. Increased Municipal Enforcement

(a) That Municipal Enforcement Officers have the authority, if the Officer deems public safety is at risk, to:

(i) remove a taxi cab from service;

(ii) remove the City of Hamilton taxi plate; and/or

(iii) have the taxicab towed to a municipal compound.

(b) That the City of Hamilton establish a fine structure to ensure that the appropriate deterrents are in place for those persons or vehicles not in compliance with the City of Hamilton Licensing Code.

(c) That the Building and Licensing Division complement be increased by one F.T.E. to provide a dedicated taxi enforcement program.

Schedule 31

	Licence and Inspection Fees City of Hamilton			
NEW LICENCE				
Licensing Category	**Licence Fee/New**	**Health Inspection**	**Fire Inspection**	**TOTAL New**
Administration Fee for Appeals	$50.00			
Antique Market / Flea Market	$185.00		$120.00	$305.00
Auctioneer	$235.00			$235.00
Adult Entertainment Parlor	$4,050.00	$90.00	$120.00	$4,260.00
Adult Entertainment Parlor Attendant	$250.00			$250.00
Adult Entertainment Parlor Operator/Manager	$1,390.00			$1,390.00
Adult Video Store Class A	$2,050.00			$2,050.00
Adult Video Store Class B	$200.00			$200.00
Body Rub Parlor Owner	$6,720.00	$90.00		$6,810.00
Body Rub Parlor Attendant	$320.00			$320.00
Body Rub Parlor Operator/Manager	$320.00			$320.00
Building Exterior Cleaner	$235.00			$235.00
Cigarette / Tobacco Sales	$185.00	$150.00		$335.00
Collectors of Second-hand Goods	$235.00			$235.00
Bed and Breakfast	$185.00	$60.00	$120.00	$365.00
Eating Establishment:				
Restaurant	$185.00	$90.00	$120.00	$395.00
Lunch Counter	$185.00	$90.00	$120.00	$395.00
Refreshment stand	$185.00	$30.00		$215.00
Drive-in Restaurant	$185.00	$60.00	$120.00	$365.00
Restaurant Take-out	$185.00	$60.00	$120.00	$365.00
Food Shop:	$185.00	$30.00		$215.00
Bake Shop	$185.00	$60.00		$245.00
Butcher	$185.00	$60.00		$245.00
Caterer	$185.00	$90.00		$275.00
Fish Monger	$185.00	$60.00		$245.00
Hawker / Peddler (motorized vehicle)	$235.00			$235.00
Kennels, Pet Shops & Veterinarian Clinics	$185.00			$185.00
Lodging House	$185.00	$90.00	$120.00	$395.00
Mobile Home Park	$2,500.00	$90.00	$120.00	$2,710.00
	& $250.00/ site			& $250.00/ site
Pawnbroker	$185.00			$185.00
Personal Service facility	$185.00	$90.00		$275.00
Precious Metals & Jewelry Dealers	$185.00			$185.00
Public Baths	$320.00	$90.00		$410.00
Public Garage:				
(A) Buying, Selling, Storing	$185.00			$185.00
(B1) Combined Engine & Body Work	$185.00		$120.00	$305.00
(B2) Engine Work	$185.00		$120.00	$305.00
(B3) Body Work	$185.00		$120.00	$305.00
(C) Gas Hoses	$185.00			$185.00
(D) Parking Lot	$185.00			$185.00
(E) Car Wash Only	$185.00			$185.00
Public Halls	$185	$30.00	$120.00	$335.00
Places of Amusement:				

Amusement Arcade	$185.00		$120.00	$305.00
Amusement Rides	$185.00			$185.00
Carnivals	$185.00	$30.00		$215.00
Circus	$185.00	$30.00		$215.00
Billiard / Bagatelle Tables	$185.00		$120.00	$305.00
Bingo Parlour	$185.00		$120.00	$305.00
Bowling Alley	$185.00		$120.00	$305.00
Motor Vehicle Race Track	$185.00		$120.00	$305.00
Other	$185.00			$185.00
Proprietary Club	$185.00	$30.00	$120.00	$335.00
Roller Skating Rink	$185.00		$120.00	$305.00
Skateboarding, BMX bikes	$185.00		$120.00	$305.00
Refreshment Vehicles:				
Class A *	$235.00	$60.00		$295.00
Class B *	$235.00	$60.00		$295.00
Class C	$235.00	$30.00		$265.00
* Add $120 Fire Inspections for Chip Wagons Only				
Recreational Camping Establishment	$185.00	$90.00	$120.00	$395.00
Salvage Yard	$185.00		$120.00	$305.00
Seasonal Food Vendors	$185.00	$30.00		$215.00
Second-hand Shop	$185.00			$185.00
Second Level Lodging Home (4-10 Residents)	$190.00	$50 per bed	$120.00	$330.00+beds
Second Level Lodging Home (11 or more Residents)	$330.00	$50 per bed	$120.00	$450.00+beds
Sign Posters and Bill Distributor	$235.00			$235.00
Taxi cab owner (private)	$3,480.00			$3,480.00
Taxi cab owner (transfer)	$670.00			$670.00
Taxi cab Broker	$590.00			$590.00
Taxi cab Driver	$150.00			$150.00
Taxi cab Priority list (application)	$60.00			$60.00
Taxi cab (limited interest agreement)	$120.00			$120.00
Taxi Cab limited interest agreement late fee	$50.00			
Trade License Contractor				
Building Repair	$167.00			$167.00
Plumber	$167.00			$167.00
Heating, Ventilation & Air Conditioning	$167.00			$167.00
Drainage	$167.00			$167.00
Electrician	$167.00			$167.00
Trade Licence Masters				
Building Repair	$83.00			$83.00
Plumber	$83.00			$83.00
Heating, Ventilation & Air Conditioning	$83.00			$83.00
Drainage	$83.00			$83.00
Electrician	$83.00			$83.00
Wheel chair accessible Taxi cab	$5.00			$5.00
Limousines (owner)	$470.00			$470.00
Limousines (driver)	$150.00			$150.00
Tow Truck Owner	$235.00			$235.00
Tow Truck Driver	$235.00			$235.00
Transient Trader (Licence issued for 3 month period)	$500.00			$500.00

SECTION 18

SECTION 19

SECTION 20

MOTION

Council Date: May 20, 2003

MOVED BY COUNCILLOR POWERS...

SECONDED BY COUNCILLOR..

That Clerks staff be directed to undertake a review of the requirement (legislated and non-legislated) for Council representation on any Boards, Authorities and Advisory Committees and report to the Council's Working Group on Advisory Committees , who may provide recommendations for change, with an effective date of December 1, 2003.

CA5 ON HAM
A34
2003

MUNICIPAL DOCUMENT

MAY 27/03.

City of Hamilton

AGENDA

COMMITTEE OF THE WHOLE 03-015a

Tuesday, May 27, 2003

9:30 a.m.

Council Chamber
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Kevin C. Christenson
City Clerk

Please note: All cellular telephones and pagers to be switched to a non-audible function during Council and Committee meetings.

Agenda available on-line at www.hamilton.ca
(click on "City Government")

1. DECLARATIONS OF INTEREST

2. JOINT MEETING WITH HECFI BOARD

3. OUTSTANDING REPORTS FROM MAY 20, 2003 COMMITTEE OF THE WHOLE MEETING

3.1 Request for an Allocation of Renewal Funds from the Ministry of Transportation Ontario (PW03031/FCS03082) (City Wide)

3.2 Report of the Animal Control Sub-Committee - Report 03-001

3.3 New Mountain Station - Fuel System Requirements (City Wide)

3.4(a) Supplemental Report - Part of Lot 4, Concession 11, Sierra Lane Development Inc. Bronte Creek states (PD03095(a) (Ward 15)

3.4(b) Removal of Holding Symbol for Lands Legally Described as Part of Lot 4, Concession 11 (Former Town of Flamborough) - Owner Sierra Lane (2000) Developments Inc. (PD03095) (Ward 15) - deferred from May 6, 2003 Committee of the Whole Meeting

3.5 Motion by Councillor R. Powers respecting Review of the Requirement for Council Representation on boards, Authorities and Advisory Committees

3.6 Motion by Councillor Morelli respecting Intersection Control - Gage avenue North and Beechwood Avenue - Housekeeping matter

4. PRIVATE AND CONFIDENTIAL

4.1 Personnel Matter

4.2 Memorandum of Agreement - International Union of Operating Engineers Local 772

5. ADJOURNMENT

SECTION 3

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

3.1

PUBLIC WORKS DEPARTMENT
Fleet & Facilities Division
Transit Division
and
CORPORATE SERVICES DEPARTMENT
Financial Services Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P. Eng. General Manager Joseph L. Rinaldo General Manager
Date:	April 29, 2003	**Prepared by:**	Elizabeth Embleton Extension 2016 Don Hull 905-679-7301

SUBJECT: Request for an Allocation of Renewal Funds from the Ministry of Transportation Ontario (PW03031/FCS03082) - (City Wide)

RECOMMENDATION:

(a) That pursuant to the Ontario Transit Renewal Program - Guidelines and Requirements, the Council of the City of Hamilton hereby requests an allocation of 2003 transit fleet capital renewal funds for the replacement of 20 conventional transit vehicles in the amount of $3,425,666.67.

(b) That pursuant to the Ontario Transit Renewal Program - Guidelines and Requirements, the Council of the City of Hamilton hereby requests an allocation of 2003 transit fleet capital renewal funds for the replacement of 15 specialized transit vehicles in the amount of $1,083,705.67.

(c) That the Mayor, Treasurer and Clerk be authorized to sign the application forms as per Appendix A and B as required by the Ministry of Transportation.

(d) That in order to support the staff application made prior to the May 1, 2003 deadline, the Ministry of Transportation be advised of Council support for the funding application with the 'Renewal Funds' program.

Joseph Rinaldo

Peter M. Crockett, P.Eng.
General Manager
Public Works

Joseph L. Rinaldo
General Manager
Corporate Services

EXECUTIVE SUMMARY:

For 2003, the City qualifies for $4,509,372.34 on 2003 purchases and refurbishments, in addition to the $922,683.00 carryover from 2002 for a total receivable of $5,432,055.34. However, this amount will once again exceed the cap set by the Province for 2003 of $3,448,899.00. Notwithstanding, the Province has advised that consideration will be given to a pay out of both the full eligible amount in 2003 and the 2002 carryover subject to the availability of funds. As such, staff is recommending application for remittance of the full eligible amount in 2003 purchases and refurbishments in the amount of $4,509,372.34 in this report. In addition, if allowable by the Province the carry-over will be remitted by separate payment.

In addition, for 2003 and beyond the Province announced an expansion of the funding program to include supplemental subsidy for alternate fuelled vehicles, for which the City will qualify with respect to conventional transit fleet acquisitions. Although the exact amount of additional subsidy has not yet been determined by the Province, the formula is based on 1/3 funding of the additional cost of Natural Gas fuelled vehicles over Diesel and is estimated to be $30,000 per vehicle, amounting to approximately $600,000 on the 2003 purchase. The exact amount will be determined by the Province and remitted with the original submission.

In addition, for 2003 and beyond the Province announced an expansion of the funding program to include a bonus based on ridership growth. Although, it is believed that the City will qualify for this additional bonus in 2003, the statistics upon which the Province will make its determination will not be available until the latter part of 2003. Staff will provide a subsequent report to Council once this information is made available.

BACKGROUND:

In 2001 the Province of Ontario announced a ten-year transit investment plan to contribute towards transit fleet renewal funding beginning in 2002. The program is made up of $3.25 billion over ten years. The purpose of the Ontario Transit Renewal Program (ORTP) is to assist in and provide up to one third of the capital costs of the replacement or major refurbishment of ageing municipal transit vehicles as part of the Government's transit investment plan.

The Province of Ontario requires municipalities to forward a City Council resolution requesting funding by May 1st of each year; however, staff received the application forms from the Ministry of Transportation on April 4, 2003. Staff has been advised that due to this circumstance, the application must be submitted by May 1st with a letter explaining that the City Council resolution will follow shortly after.

In 2002, the City qualified for $4,090,196 in subsidy, however this amount exceeded a cap set by the Province of $3,167,513. The City applied for and has received the $3,167,513 and carried over the balance of $922,683 into the 2003 submission as permitted by the Province.

In 2003 the City received conventional transit buses purchased at a total net cost of $9,967,000 million including GST and RST rebates. The acquisition of these buses was made possible by the approval of both the 2002 and 2003 Transit Vehicle Replacement Capital budgets. Additionally, Transit Fleet plans to complete the refurbishment of one

40 foot bus and one 60 foot bus at a cost of $310,000 and a purchase order has been issued for the replacement of 15 paratransit buses at a total net cost of $3,251,117 million including GST rebates. Please refer to Appendix C for 2003 Purchases/Refurbishment Summary.

The Ministry of Transportation has placed a nominal cap of $3,448,899 on City of Hamilton Claims in 2003; however, they have advised that we may be awarded a further share of any unallocated funds at year end.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Province of Ontario renewal funds will be credited to the appropriate capital budget vehicle replacement project numbers and reserves as previously directed by Council.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The 2003 application for the Ontario Transit Renewal Program has been reviewed by Corporate Services, Budgets and Fiscal Policy and Corporate Services, Legal Services, Corporate Counsel,Transit and the Fleet & Facilities Division.

CITY STRATEGIC COMMITMENT:

The replacement of transit vehicles is consistent with the City's objectives of reducing vehicle emissions and increasing transit accessibility.

Appendix A

Ontario Ministry of Transportation

Request for an Allocation of Renewal Funds

- Conventional Transit -

Request no. ________

Request for an Allocation of Renewal Funds

Conventional Transit Vehicles for the Year 2003 ___

Pursuant to the Ontario Transit Renewal Program – Guidelines and Requirements (the "Guidelines and Requirements"),

the Council of the Corporation of the

City of Hamilton (the "Corporation")

(hereby requests an allocation of renewal funds for the year 20 03 , for conventional transit vehicles in:

the amount of $ 3,425,666.67

The Council of the Corporation understands and agrees that the said funds shall be expended in accordance with the Guidelines and Requirements and for conventional transit vehicles. A detailed estimate of how the allocation is proposed to be spent (Form ON-T-1, pg 2) is attached hereto.

Furthermore, by submitting this request for an allocation of renewal funds, the Council of the Corporation acknowledges and agrees that the Corporation shall be bound by all the terms and conditions set out in the Guidelines and Requirements.

This request for an allocation of renewal funds has been authorized by a resolution of the Council of the Corporation

of the City of Hamilton

dated ____________________ 20 ____

Authorized Signatures:

____
Treasurer

____
Head of Council

(Seal)

____
Clerk

Ontario Ministry of Transportation

Request for an Allocation of Renewal Funds

- Conventional Transit -

The Corporation of the City of Hamilton

budgeted expenditures for the replacement and major refurbishment of conventional transit vehicles and requirement of renewal funds for the year 2003 .

Eligible Conventional Transit Vehicle Replacement and Major Refurbishment

1. Conventional Transit Vehicle Replacement		**Budgeted Expenditures**	
Transit Buses (20) 40' CNG LF		$9,967,000.00	
	Sub-total	**$9,967,000.00**	A
2. Conventional Transit Vehicle Major Refurbishment			
Transit Buses - CNG 40' (1) & Artic CNG 60' (1)		$310,000.00	
	Sub-total	**$310,000.00**	B
Budgeted Conventional Transit Vehicle Expenditures	**Total**	**$10,277,000.00**	C
3. Estimated Conventional Transit Requirement of Renewal Funds		**Estimates**	
Conventional Transit Vehicle Replacement	33.3 % of **A**	**3,322,333.33**	D
Conventional Transit Vehicle Refurbishment	33.3% of **B**	**103,333.33**	E
4 Estimated Conventional Requirement **of Renewal Funds**	(D+E) Total	**$3,425,666.67**	F

Copy the amount of estimated renewal fund requirements set out in row 4 above to form ON-T-01 pg 1.

April 29, 2003

Appendix C

2003 Ontario Transit Renewal Program
Transit/DARTS Capital Replacement Refurbishment Summary

Description	Conventional	Refurbishments	Specialized	Specialized
Unit Price	483,834.00	310,000.00	193,703.00	196,626.00
RST	38,706.72		15,496.24	15,730.08
GST	33,868.38		13,559.21	13,763.82
GST Rebate	-19,352.39	0.00	-7,747.73	-7,864.65
RST Rebate	-38,706.72			
Sub-Totals	498,349.99	310,000.00	215,010.72	218,255.25
Vehicles Purchased	20.0		7.0	8.0
Purchase Price	9,967,000.00	310,000.00	1,505,075.00	1,746,042.00
Net Purchase	9,967,000.00	310,000.00	1,505,075.00	1,746,042.00
@ 33.3%	3,322,333.33	103,333.33	501,691.67	582,014.00

	Total Expenditure	ORTP Grant @ 33.3%
Conventional	$10,277,000.00	$3,425,666.67
Specialized	$3,251,117.00	$1,083,705.67
Total Grants		$4,509,372.34

N.B.: Both Conventional and Specialized vehicles received in 2003 are purchased from the 2002 and 2003 budgets.

Source of Funding

Conventional

Program	Budget	Project#	DEPTID
Refurbishment - 2003	300,000.00	N/A	580360/580370
Replacement - 2003	5,780,000.00	5300383101	N/A
Replacement - 2002	5,100,000.00	5300283101	N/A

Specialized

Program	Budget	Project#	DEPTID
Replacement - 2003	1,760,000.00	5310382100	N/A
Replacement - 2002	1,650,000.00	5310282100	N/A

CITY WIDE IMPLICATIONS

3.2

CITY OF HAMILTON

ANIMAL CONTROL SUB-COMMITTEE

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Councillor D. Mitchell Chairman Animal Control Sub-Committee
Date:	May 8, 2003	**Prepared by:**	Carolyn Biggs (905)546-2604

SUBJECT: Animal Control Sub-Committee Report 03-001 (City Wide)

The Animal Control Sub-Committee, having met on April 30, 2003, presents Report 03-001 and respectfully recommends:

RECOMMENDATION:

Dog Licensing Compliance and Animal Control Enforcement Strategy (City Wide) (PD03104) (Item 4)

That the strategy for dog licensing compliance and animal control enforcement, as outlined in Report PD03104, be endorsed.

Councillor David Mitchell, Chairman
Animal Control Sub-Committee

EXECUTIVE SUMMARY:

Refer to attached staff Report PD03104.

BACKGROUND:

At its meeting of April 30, 2003, the Animal Control Sub-Committee was in receipt of a report entitled, “Dog Licensing Compliance and Animal Control Enforcement Strategy” and made the foregoing recommendation.

Refer to attached staff Report PD03104.

FOR THE FURTHER INFORMATION OF THE COMMITTEE:

(a) **Animal Control Service Delivery – 1st Quarter Report** (Item 3.1)

A staff presentation on the 1st Quarter Delivery of Animal Control Service Delivery, was received.

The presentation by Marty Hazell and Paul Buckle included the status of various issues with respect to the operations of animal control service delivery since January 1, 2003 to date, and operational matters to be resolved by the end of the 2nd, 3rd and 4th quarters.

The Committee requested that access to the powerpoint presentation be made available on the “S” drive.

(b) **Leash Free Parks Program** (Item 3.2)

A staff presentation respecting the Leash Free Parks Program, was received.

Al Dore distributed a powerpoint presentation and reported that a draft report with policy and procedures was previously e-mailed to the Sub-Committee for review and comments. It is anticipated that this report will be presented to the Committee of the Whole in June, 2003.

(c) **Dog Licensing Compliance and Animal Control Enforcement Strategy (City Wide) (PD03104)** (Item 4)

The Sub-Committee requested that the Director of Building and Licensing be directed to bring a report to the Sub-Committee detailing the steps required to implement point of sale licensing for dogs.

(d) **Adjustment to Hours of Public Access at the Jones Road Animal Shelter (City Wide) (PD03103)** (Item 5)

Report PD03103 respecting Adjustment to Hours of Public Access at the Jones Road Animal Shelter, was received for information.

ANALYSIS OF ALTERNATIVES:

Refer to attached staff Report PD03104.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Refer to attached staff Report PD03104.

POLICIES AFFECTING PROPOSAL:

Refer to attached staff Report PD03104.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Refer to attached staff Report PD03104.

CITY STRATEGIC COMMITMENT:

Refer to attached staff Report PD03104.

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT
Parking and Enforcement Operations Section

Report to:	Chairman and Members Animal Control Sub-Committee	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	April 03, 2003	**Prepared by:**	Paul Buckle (2597)

SUBJECT: **Dog Licensing Compliance and Animal Control Enforcement Strategy (City Wide) (PD03104)**

RECOMMENDATION:

That Report PD03104 respecting Dog Licensing Compliance and Animal Control Enforcement Strategy be received for information.

Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The "Business Plan and Operational Strategy for the Delivery of Animal Control Services to the City of Hamilton" approved by City Council on December 11, 2002, indicated that "...reducing the costs of animal control to any significant degree will require a strong commitment to increase licensing compliance such that stray animals can be returned promptly to their owners, thereby eliminating the City's need to shelter, care for and euthanize stray animals". The purpose of this report is to communicate to the members of the Animal Control Sub-Committee, staff's strategy to achieve a higher level of dog licensing compliance.

The 2003 budgetary objective for dog licence fees is $771,000, based upon the sale of approximately 32,000 licences, as set out in the Animal Control Program business plan. The total number of dogs currently licensed in the former municipalities of Ancaster, Dundas, Hamilton and Stoney Creek, according to the database recently obtained from the H.S.P.C.A. is approximately 24,000, resulting in a deficit of about 7,000 licences. Consequently, a very aggressive licensing campaign requiring the support and commitment of Council, as indicated in the business plan, will be required to achieve the desired objective. Staff is of the opinion that the 7,000 additional dog licences is an achievable target.

Accordingly, the following strategy will be implemented for 2003, and its success will determine whether or not the strategy will be adopted for the long-term:

Phase 1

On or about the 25th of April 2003 an advertising campaign will advise the constituency of a "Licensing Amnesty" commencing on May 1st and continuing through to May 31st. The subject "Amnesty" program will provide that the late fees normally charged to persons failing to renew their dog licences in a timely manner will be waived.

On May 31st, the amnesty period will come to an end and a "Zero Tolerance" enforcement policy respecting the licensing of dogs will come into force and effect.

Phase 2

Commencing June 1st, Animal Control Officers will begin a door-to-door licence sale campaign utilising the existing database to track previously licensed dogs for which 2003 licences have not been obtained.

At the same time Animal Control Officers and Municipal Law Enforcement Officers will co-ordinate their respective enforcement activities whereby "barking dog", "faeces accumulation", "unlawful use of parks", etc complaints will be cross-referenced and investigated by both enforcement groups with a view to tracking dog licences in each case. Enforcement efficiencies will be achieved by accessing the multidisciplinary functionality innate to the subject enforcement groups and, accordingly, both Animal Control and Municipal Law Enforcement personnel will enforce the City's Dog Licence regulations.

Corresponding with the door-to-door campaign, Animal Control Officers will begin patrolling the City's parks and recreational trails by bicycle, facilitating a more personal and interactive relationship between City enforcement staff and dog owners. The Bicycle Patrol program will combine public education with enforcement in an effort to foster public awareness of all Parks and Animal Control regulations and responsible pet ownership.

The above activities will be enhanced through the use of the recently acquired Hansen Technology and the development of a comprehensive database for these enforcement activities.

BACKGROUND:

On 01 January 2003, the City of Hamilton assumed responsibility for the delivery of Animal Control Services in the former municipalities of Ancaster, Dundas and Hamilton from the Hamilton/Burlington SPCA and the operation of the Shelter at 247 Dartnall Road. One of the key initiatives mandated by the business plan approved by Council on 12 December 2002 was the implementation of an aggressive dog licensing strategy intended to generate approximately $771,000 in revenues to reduce levy funding of the Animal Control Program.

The subject business plan included the following analysis of licensing revenues:

Rural / Urban Licensing Program (Current Fee Rates)

Service Area	Licence Type	Fee Per Unit	Sales	Revenues
Rural Area	Altered Dog	$20.00	1,960	$39,200.00
	Unaltered Dog	$40.00	490	$19,600.00
	Discount Altered Dog	$10.00	840	$8,400.00
	Discount Unaltered Dog	$20.00	210	$4,200.00
Urban Area	Altered Dog	$25.00	15,680	$392,000.00
	Unaltered Dog	$60.00	3,920	$235,200.00
	Discount Altered Dog	$13.50	6,720	$90,720.00
	Discount Unaltered Dog	$30.00	1,680	$50,400.00
Subtotal			31,500	**$839,720.00**
50% of "Rural" revenues paid to each contractor				**-$35,700.00**
Revenues held in reserve to pay Livestock Valuation costs				**-$33,020.00**
TOTAL 2003 REVENUES				**$771,000.00**

It should be noted that a small percentage of the anticipated 2003 licence revenue has accrued to the HSPCA as a result of the sale of "2 Year" licences in 2002. This revenue stream diversion is self-correcting and will be resolved for 2004.

The strategy intended to generate the requisite funds, as described in the above Executive Summary, includes the advertising and introduction of an "Amnesty" period whereby dog owners are able to obtain licences for their pets without paying the "late fee" penalty normally required by By-law No. 01-169. Immediately following the conclusion of the Amnesty period a "Zero Tolerance" policy will come into effect, under which the owner of any dog found without a licence will be charged pursuant to By-law No. 01-169, which by-law provides for a fine of $105 and a "victim surcharge" of $25.

ANALYSIS OF ALTERNATIVES:

The ratio of licences for "altered dogs" and "unaltered dogs" is approximately 65/35 and about 25% of all dog licences sold are subject to the 50% "Seniors" or "Disabled Person" discount. Staff, accordingly, calculates that forgoing the Amnesty and Zero

Tolerance enforcement strategy will result in a licensing revenue shortfall of approximately $215,000.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial Implications

The sale of 31,500 dog licences will generate approximately $771,000. Said revenues will subsidise the Animal Control program in accordance with the business plan approved by Council.

Staffing Implications

The Amnesty and Zero Tolerance program will utilise the existing staff complement as realigned and set out in the approved business plan and, consequently, no implications apply.

Legal Implications

None.

POLICIES AFFECTING PROPOSAL:

The subject program is consistent with the City's strategic goals policies respecting:

- A great City in which to live
- A healthy, safe and green City
- A City where people come first
- A City that spends wisely and invests strategically

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

None required.

CITY STRATEGIC COMMITMENT:

Health Impacts

None.

Social Impacts

Dog licensing promotes responsible pet ownership. Further, the licensing program supports the Livestock Valuation program mandated by the Livestock, Poultry and Honeybee Protection Act, which directly benefits the farming community.

Environmental Impacts

None.

Economic Impacts

The proposed strategy will result in a reduced reliance upon the City's tax base by the Animal Control program.

PDB/MBH/

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT
Parking and Enforcement Operations Section

Report to:	Chairman and Members Animal Control Sub-Committee	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	April 02, 2003	**Prepared by:**	Paul Buckle (2597)

SUBJECT: **Adjustment to Hours of Public Access at the Jones Road Animal Shelter (City Wide) (PD03103)**

RECOMMENDATION:

That Report PD03103 respecting an Adjustment to Hours of Public Access at the Jones Road Animal Shelter be received for information.

MH. Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

City Council, as part of its 2003 Current Budget deliberations, approved a recommendation to reduce the Animal Control budget by $25,000 by discontinuing the provision of customer services at the Jones Road Animal Shelter. However, staff was directed to explore options to continue, albeit at a lower level, some aspects of customer service at this facility.

Pursuant to further investigation, staff proposes to achieve this reduction by implementing the following operational adjustment strategy:

a) Commencing on or about 01 May 2003, the City Animal Shelter at 345 Jones Road will be open to the public between the hours of 9:00 a.m. and 6:00 p.m. from Wednesday through Saturday, inclusive; and,

b) An Animal Control Officer will be assigned to the Jones Road Shelter in the capacity of "Station Duty Officer" to provide services to the public; and,

c) One of the existing part time clerical positions normally assigned to the Jones Road Shelter will be reassigned to the Dartnall Road Shelter. The remaining clerical position will be deleted.

At present the Jones Road Animal Shelter is open to the public between the hours of 8:30 a.m. to 5:30 p.m. from Monday through Friday, inclusive, and between the hours of 11:00 a.m. to 2:00 p.m. on Saturday. Revising the hours of operation as indicated would continue to generally accommodate the needs of the Community as said hours reflect peak usage of the facility. All of the services previously provided at the Jones Road Shelter, such as animal adoption, the sale of dog licences and the surrender of animals, will continue to be offered during the aforesaid revised hours of operation by the Station Duty Officer.

The aforesaid adjustment to hours of operation and redeployment of staff will optimize service provision while at the same time reduce operating costs by approximately $25,000 per annum. Said savings are consistent with Council's budget objectives and the aforementioned strategy will mitigate what would have otherwise been a significant reduction in services to the Stoney Creek community.

BACKGROUND:

On 01 January 2000, in accordance with the Provincially mandated "amalgamation" and the incorporation of the City of Hamilton, the "new" City assumed responsibility for the provision of Animal Control Services in Stoney Creek and the operation of the Animal Shelter, situated at 345 Jones Road.

Said Animal Control responsibilities include:

- enforcement of all municipal animal control by-laws
- dog licensing
- the provision of Pound Keeping services
- the operation of a lost and found pet service
- the removal of animal cadavers from the highway, municipal lands, and private property
- the capture and impound of animals at large or stray animals confined on private property
- pet adoptions

The "Station Duty Officer" will provide adoption, lost and found, licensing and surrender services during the hours that the Shelter is open to the public and on Tuesdays, when the Shelter is closed, the Officer will transport animals to and from the Dartnall Road Shelter and various veterinary clinics. Emergency "after hours" access will be provided at the Jones Road facility on a "call-in" or "by appointment" basis. By-law enforcement, animal rescue and cadaver removal will continue to be provided in the Ancaster, Dundas, Hamilton and Stoney Creek communities 24 hours per day, seven days per week, by staff operating out of the Dartnall Road facility.

It should be reiterated that animal care, (i.e. the cleaning of kennels and cages and the feeding of animals), and the 24 hour dispatch service provided for Animal Control and Parking Control will not be effected by the proposed adjustment to the hours of operation at the Jones Road Shelter.

ANALYSIS OF ALTERNATIVES:

1. Forgoing the "Station Duty Officer"

Forgoing the assignment of a Station Duty Officer and keeping one part time Clerk at the Jones Road Shelter would result in the Jones Road Shelter being open only on Thursday, Friday and one half day on Saturday. Consequently, cost recovery for animals held at the shelter would be significantly reduced, since no charge can be levied for those days when the shelter is not open to the public. Further, persons recovering their animals who should be charged with an offence under the Provincial Offences Act at the time of said recovery would avoid any penalty, since only a Provincial Offences Officer may issue a Provincial Offences Notice.

2. Complete Closure of the Jones Road Shelter

Closing the Jones Road Shelter to the public would result in a loss of revenue generated by animal adoptions, "micro-chip" implanting, enforcement and the surrender of animals by their owners. Said revenue is estimated to average $20,000 per year and is critical to the Animal Control business plan, given that the Jones Road facility is still required for the purpose of housing animals that can not be accommodated at the Dartnall Road facility. More importantly, closing the Shelter to the public will decrease the level of "customer satisfaction" and, correspondingly, the public's perception of the City will suffer.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial Implications

The subject $25,000 reduction in levy based funding has been approved by Council.

Staffing Implications

One of the existing part time Clerk's positions at the Jones Road Shelter will be deleted, but there will be no effects on staff as one position is currently vacant. The other Clerk will be transferred to the Dartnall Road Shelter.

Legal Implications

No legal implications apply.

POLICIES AFFECTING PROPOSAL:

The subject redeployment of staff and adjustment to operational hours is consistent with the following strategic policies of the City:

- A great City in which to live
- A healthy, safe and green City
- A City where people come first
- A City that spends wisely and invests strategically

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

None required.

CITY STRATEGIC COMMITMENT:

Health Impacts

None.

Social Impacts

The proposed strategy optimises the public's access to Animal Control and Pound Keeping services and promotes the City as a responsible provider of said services.

Environmental Impacts

None.

Economic Impacts

The proposed strategy results in a budget enhancement of approximately $25,000. There are no other economic impacts associated with this strategy.

PDB/MBH/

CITY WIDE IMPLICATIONS

3.3

CITY OF HAMILTON

Hamilton Police Services Board

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lois Morin Administrative Assistant
Date:	April 29, 2003	**Prepared by:**	Lois Morin Administrative Assistant 905-546-2727

SUBJECT: **New Mountain Station - Fuel System Requirements (City Wide)**

RECOMMENDATION:

That the request from the Hamilton Police Services Board for additional funding of approximately $65,000 for the upgrading of the fuel distribution system, adjacent to the New Mountain Station, to be funded from Capital Project Account No. 3769951001-59214, be approved.

Lois Morin

Lois Morin, Administrative Assistant
Police Services Board

EXECUTIVE SUMMARY:

The Police Services Board met on Tuesday, April 22, 2003 and respectfully submits the above recommendation which, the Police Board approved. As outlined in the attached Police Services Board Report council approval is required because this work was not identified in the original program approved for the New Mountain Station facility.

BACKGROUND:

(see attached report PSB 03-052)

ANALYSIS OF ALTERNATIVES:

(see attached report PSB 03-052)

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

(see attached report PSB 03-052)

POLICIES AFFECTING PROPOSAL:

(see attached report PSB 03-052)

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

(see attached report PSB 03-052)

CITY STRATEGIC COMMITMENT:

(see attached report PSB 03-052)

Attachment: PSB 03-052: New Mountain Station – Fuel System Requirements

cc Chief K.D. Robertson, Hamilton Police Service
Deputy Chief Thomas Marlor, Field Support, Hamilton Police Service

HAMILTON POLICE SERVICES BOARD

- RECOMMENDATION -

DATE:	2003 April 10
REPORT TO:	Chairman and Members Hamilton Police Services Board
FROM:	Kenneth D. Robertson Chief of Police
SUBJECT:	***New Mountain Station - Fuel System Requirements (PSB 03-052)***

RECOMMENDATIONS:

a) That the Board approve additional funding of approximately $65,000 for the upgrading of the City of Hamilton's fuel distribution system, adjacent to the New Mountain Station. Funding for this upgrade is available in the Capital Project Account #3769951001-59214.

b) That the Board authorize and direct the Administrative Assistant of the Board to forward the recommendations to City Council for approval.

Kenneth D. Robertson
Chief of Police

FINANCIAL / STAFFING / LEGAL IMPLICATIONS:

FINANCIAL – Funding in the amount of $11,000,000 for the New Mountain Station is identified in Capital Account 3769951001. The actual project cost after the significant redesign and tendering process has reduced the project cost to $9,969,000 realizing a net savings of $1,031,000. The cost of upgrading the City of Hamilton Fuel Distribution system has been estimated to be $65,000, but was not included in the original program for the New Mountain Station. It is recommended that this unbudgeted expenditure be taken from the identified savings in Account 3769951001-59214.

STAFFING – n/a

LEGAL – n/a

BACKGROUND:

During the program development of the New Mountain Station, staff investigated the feasibility of not installing fuel tanks at this new location. A relatively new fuel distribution facility is available at the City of Hamilton's Public Works Facility adjacent to this project. Staff met with Mr. John Hamilton, Manager of City Fleet Services, and Mr. Tom Kagianis, Supervisor of Fleet Services, to develop a partnership whereby the Hamilton Police Service would procure fuel from the Public Works facility. A cost avoidance of $300,000 to $400,000 has been avoided by not duplicating fueling facilities.

During the development of this partnership, in preparation for the opening of the new facility this fall, the City has identified that their existing gasoline tank does not have the capacity to fuel all the police vehicles operating out of the new facility. The inground fuel tank needs to be upgraded to accommodate the increase in users. The cost of this upgrade is estimated to be $65,000.

Council approval is needed because this work is not identified in the original program approved for the New Mountain Station facility. The *"Council Capital Variance Policy"* requires that a project, that was not included in the original program for the new facility, be authorized and approved by Council and that funds be transferred from the savings account, 3769951001-59214 to the operational account 3769951001-52870.

KDR/D. Bowman

cc: Deputy Chief Thomas R. Marlor, Field Support
Superintendent John Petz, Administrative Services
Roberto Rossini, Director of Budgets Fiscal Policy
Steve Bauld, Manager, City Purchasing
Mark Strba, Manager, Design and Construction
Ted Mason, Chief Accountant

CITY WIDE IMPLICATIONS

3.4(a)

CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT
Building and Licensing Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	May 22, 2003	**Prepared by:**	Peter Lampman 905-546-4653

**SUBJECT: Part of Lot 4, Concession 11, Sierra Lane Development Inc.
Bronte Creek Estates (PD03095(a))(Ward 15)**

RECOMMENDATION:

That Report PD03095(a) respecting Bronte Creek Estates and the completion of required inspections be received for information.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

This information report is presented to provide Council with an overview of testing and inspections that were completed on the Bronte Creek Development project. At the Committee of the Whole meeting of May 6, 2003, Report PD03095 was submitted for removal of the holding provision to permit the continued development of a 76-unit manufactured home park. During that meeting, staff was requested to report back on the compliance with respect to the required testing and inspections. All required testing has been completed and the development may proceed.

BACKGROUND:

The Holding "H" provision was affixed to the zoning of the subject lands in order to ensure the servicing of the proposed development was addressed to the satisfaction of the City of Hamilton. In this regard, legal agreements were entered into with the former Town of Flamborough and Region of Hamilton-Wentworth and a portion of the subject lands were removed from the Holding "H" provision. After the removal of the Holding

"H" provision, a modified site plan was endorsed by the former Town of Flamborough and a revised draft plan of condominium was approved by the former Region of Hamilton-Wentworth. However, the Holding "H" provision was not removed from the subject property to reflect the amended Site Plan Agreement.

By-law No. 2000-09-Z removed the Holding "H" provision from the seventy-six (76) units approved in the original Site Plan Agreement. The By-law attached as Appendix "B" to Report PD03095 is proposing to remove the Holding "H" provision from additional lands to accommodate the modified site plan and ensure that all seventy-six (76) units, wells and leaching beds can be developed. Although the Holding "H" provision will be removed from an area larger than the amended Site Plan Agreement, the lands can only be developed with seventy-six (76) units. Any additional development on the lands can only proceed under Site Plan Agreement and any other agreements deemed necessary by the City of Hamilton.

In review of the application to remove the Holding "H" provision from the subject lands, staff were made aware of some outstanding environmental health issues concerning the communal water works and sewage works. As a result, the application was held in abeyance until all the health concerns had been properly addressed. In this regard, the Public Health and Community Services Department commented that the Boil Water Advisory had been rescinded and the Public Works Department – Water and Wastewater Division confirmed that the Ministry of Environment has provided all the necessary approvals for the private communal water and wastewater systems. The Boil Water Advisory previously in place was lifted by the City of Hamilton Health Department on March 4, 2003 based on testing of the wells during the month of February.

Further, the Building and Licensing Division has been provided with reports from both architects and engineers hired by the current owner for every dwelling unit and we are in the process of completing occupancy inspections to ensure that all items related to the Ontario Building Code are completed as required. We are experiencing excellent cooperation from the current contractor on site and are anticipating that all items required for occupancy will be completed shortly.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

The proposal will provide the opportunity for development in a designated "Residential Mobile Home Park", which is consistent with the goals for sustainable development. Approval of the application would not result in any negative social, environmental or economic impacts.

PCL

AFFECTS
WARD 15

CITY OF HAMILTON

3.4(b)

PLANNING AND DEVELOPMENT DEPARTMENT
Development Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	April 16, 2003 ZAR-01-44	**Prepared by:**	Jason Thompson (905) 546-3933

SUBJECT: Removal of Holding Symbol for Lands Legally Described as Part of Lot 4, Concession 11, (Former Town of Flamborough), Owner – Sierra Lane (2000) Developments Inc. (PD03095) (Ward 15)

RECOMMENDATION:

That approval be given to **Zoning Application ZAR-01-44, Sierra Lane (2000) Developments Inc., owner**, for removal of the Holding provision for a portion of lands zoned Site-Specific Residential Mobile Home Holding “R9-1(H)” Zone, to permit the continued development of a seventy-six (76) unit manufactured home park, known as “Bronte Creek Estates” (former Town of Flamborough), shown as Block 1 on Appendix “A” to Report PD03095, on the following basis:

(a) That the subject lands be rezoned from Site-Specific Residential Mobile Home Holding “R9-1(H)” Zone to Site-Specific Residential Mobile Home “R9-1” Zone;

(b) That the attached By-law, included as Appendix “B” to Report PD03095, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council;

(c) That Schedule “A-2”, of Zoning By-law No. 90-145-Z (Flamborough), be amended by marking the lands shown on Appendix “A” as Site-Specific Residential Mobile Home “R9-1” Zone; and,

(d) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Flamborough Official Plan.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The purpose of this By-law is to remove the Holding provision "H" from the Site-Specific Residential Mobile Home Holding "R9-1(H)" Zone for the subject lands, legally described as Part of Lot 4, Concession 11 (former Town of Flamborough), as shown on the attached map marked as Appendix "A". The owner, Sierra Lane (2000) Developments Inc., has submitted this application to allow for the continued development of a seventy-six (76) unit manufactured home park, known as "Bronte Creek Estates".

On April 14, 1994, the Ontario Municipal Board approved By-law No. 93-65-Z to authorize the rezoning of lands known as 404 - 12th Concession Road East from Recreational Open Space "O3-3" to a Site-Specific Residential Mobile Home Zone "R9-1" with a Holding "H" category. Removal of the Holding "H" provision is conditional upon the applicant satisfying the following condition:

(1) The new use of the mobile and manufactured home park will not start until the owner has entered into a legal agreement with the Region of Hamilton-Wentworth about communal services for the park.

On January 28, 2000, Bronte Creek Developments Inc., (former owner of "Bronte Creek Estates), entered into a Default Agreement with the Region of Hamilton-Wentworth. As a result, the Town of Flamborough approved By-law No. 2000-09-Z to remove the Holding "H" provision from the seventy-six (76) units of the originally approved Site Plan.

On June 5, 2000, the Town of Flamborough approved an amendment to the existing Site Plan Agreement. The amendment was to reconfigure seventeen (17) of the seventy-six (76) units and the communal septic system, however, the Holding "H" provision was never lifted from the reconfigured portion of the amended Site Plan. All the Agreements and Certificates of Approval apply to the amended site plan and the City of Hamilton still has the securities required under both the Development/Site Plan Agreement and Communal Servicing and Default Agreement.

Based on the above, the Zoning Amendment application for the removal of the Holding symbol provision can be supported.

BACKGROUND:

History of "Bronte Creek Estates"

On April 14, 1994, the Ontario Municipal Board approved Official Plan Amendment No. 33 and Zoning By-law Amendment No. 93-65-Z to permit a Mobile Home Park of up to one hundred and thirty (130) units with an initial stage of development limited to seventy-six (76) units. Approval for subsequent stages of development of up to fifty-four (54) units may be allowed after consideration of the impact the seventy-six (76) units have on the surrounding rural community, landscape and natural areas and the potential liabilities of providing any necessary municipal servicing to the site.

By-law No. 93-65-Z placed the subject lands under a Holding "H" Zone until the applicant entered into a legal agreement with the former Region of Hamilton-Wentworth regarding the communal servicing of the site.

On January 25, 1999, the Town of Flamborough approved Site Plan Agreement By-law No. 99-08-03 to permit the development of seventy-six (76) units. The Site Plan/Development Agreement was registered as Instrument No. L.T. 590058 on February 10, 2000.

On January 31, 2000, the Town of Flamborough approved By-law No. 2000-09-Z to remove the Holding "H" from a portion of lands, as identified in the approved Site Plan Agreement.

On June 5, 2000, the Town of Flamborough approved an amendment to the existing Site Plan Agreement. The amendment was to reconfigure the seventy-six (76) units and leaching bed.

On August 16, 2000, Draft Plan of Condominium 25CDM-99004 was approved for "Bronte Creek Estates". The Draft Plan of Condominium is consistent with the amended Site Plan Agreement.

Details of Submitted Application

Owner: Sierra Lane (2000) Developments Incorporated

Description: Seventy-six units with various frontages and depths

ANALYSIS OF ALTERNATIVES:

Should this application not be approved, the applicant will not be able to proceed with the development of seventeen (17) of the seventy-six (76) units on the approved Site Plan Agreement.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: No implications on financial resulting.

Staffing: No implications on staffing resulting.

Legal: Council approval of a By-law Amendment to remove the Holding symbol is required under the Planning Act. A Public Hearing is not required; however, notice of the intent to pass the By-law must be given.

POLICIES AFFECTING PROPOSAL:

- Provincial Policy Statement

  The proposal is considered to fall within the parameters of the Provincial Policy Statement.

- Hamilton-Wentworth Official Plan (2000)

  The proposal does not conflict with the policies of the Hamilton-Wentworth Official Plan.

- Flamborough Official Plan

  The proposal conforms to the Flamborough Official Plan (Schedule B-16) as the subject lands are designated as Open Space and Recreation – Site Specific Area No. 16, which permits mobile and manufactured dwelling units.

  With respect to Holding By-laws, the Official Plan states that Council may consider passing a By-law to remove the Holding symbol when the lands have adequate services for the proposed development, the development is consistent with the other provisions of the Official Plan and the proposed development is permitted by the Zoning By-law.

- Flamborough Zoning By-law No. 90-145-Z

  The proposal conforms to Zoning By-law No. 90-145-Z as it proposes to remove the Holding "H" symbol from the subject lands, which are zoned Residential Mobile Home "R9-1(H)".

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The **Public Health and Community Services Department** has advised that they have rescinded their Boil Water Advisory and have no objections to the removal of the Holding "H" provision.

The **Public Works Department – Water and Waste Water Division** has advised that they would have no objection to removing the Holding designation, as it has been confirmed that the Ministry of Environment has provided all the necessary approvals for the private communal water and wastewater systems.

Agencies/Departments Having No Comment or Objections

- Corporate Services Department
- Public Works Department – Operation and Maintenance Division
- Conservation Halton
- Hamilton Police Service
- Union Gas

CITY STRATEGIC COMMITMENT:

The proposal will provide the opportunity for development in a designated "Residential Mobile Home Park", which is consistent with the goals for sustainable development. Approval of the application would not result in any negative social, environmental or economic impacts.

COMMENTS:

The Holding "H" provision was affixed to the zoning of the subject lands in order to ensure the servicing of the proposed development was addressed to the satisfaction of the City of Hamilton. In this regard, legal agreements were entered into with the former Town of Flamborough and Region of Hamilton-Wentworth and a portion of the subject lands were removed from the Holding "H" provision. After the removal of the Holding "H" provision, a modified site plan was endorsed by the former Town of Flamborough and a revised draft plan of condominium was approved by the former Region of Hamilton-Wentworth. However, the Holding "H" provision was not removed from the subject property to reflect the amended Site Plan Agreement.

By-law No. 2000-09-Z removed the Holding "H" provision from the seventy-six (76) units approved in the original Site Plan Agreement. The By-law attached as Appendix "B" to Report PD03095 is proposing to remove the Holding "H" provision from additional lands to accommodate the modified site plan and ensure that all seventy-six (76) units, wells and leaching beds can be developed. Although the Holding "H" provision will be removed from an area larger than the amended Site Plan Agreement, the lands can only be developed with seventy-six (76) units. Any additional development on the lands can only proceed under Site Plan Agreement and any other agreements deemed necessary by the City of Hamilton.

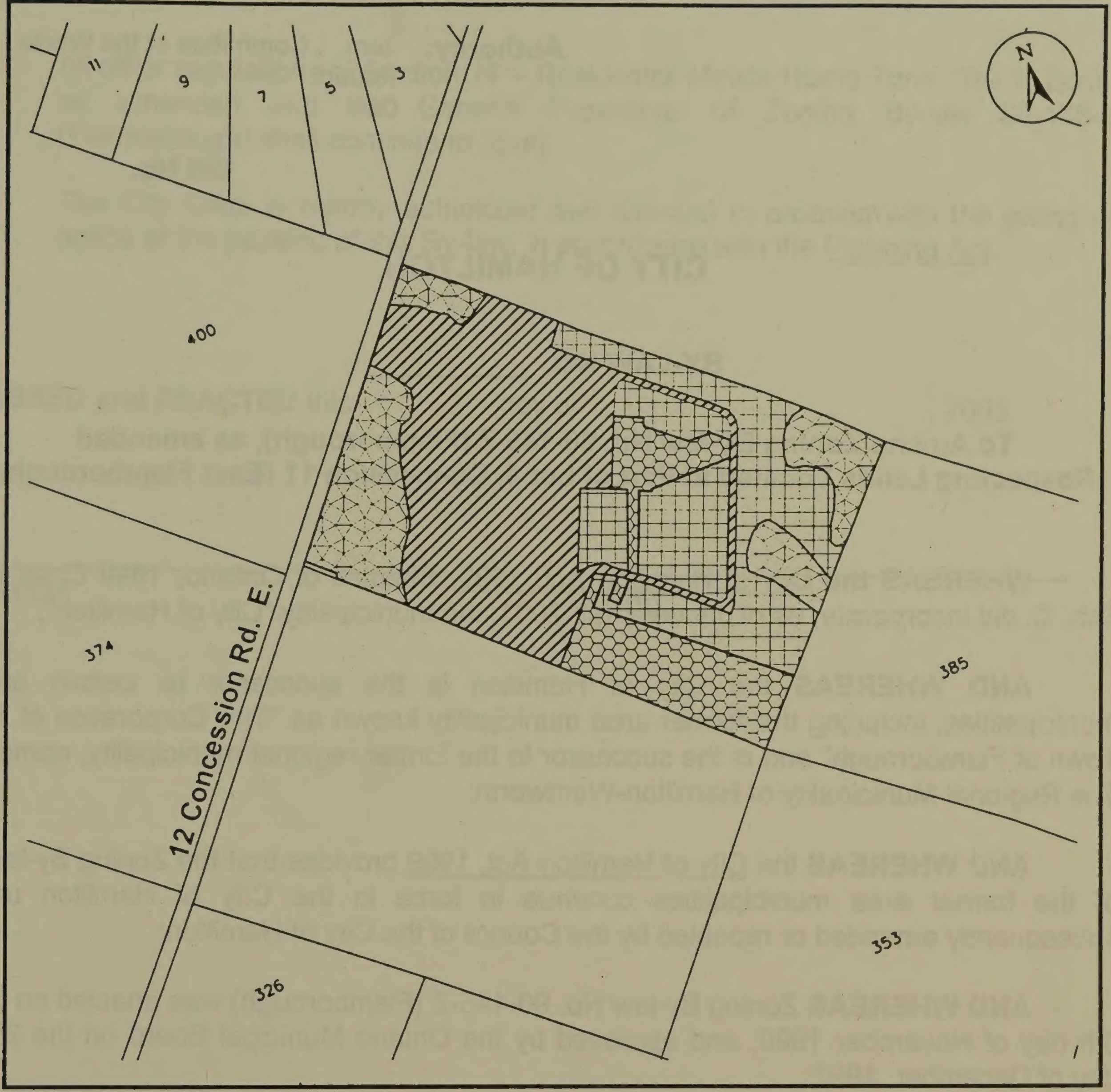
In review of the application to remove the Holding "H" provision from the subject lands, staff were made aware of some outstanding environmental health issues concerning the communal water works and sewage works. As a result, the application was held in abeyance until all the health concerns had been properly addressed. In this regard, the Public Health and Community Services Department commented that the Boil Water Advisory had been rescinded and the Public Works Department – Water and Wastewater Division confirmed that the Ministry of Environment has provided all the necessary approvals for the private communal water and wastewater systems. Therefore, the Holding "H" provision can be removed from a portion of the subject lands since all the health concerns have been properly addressed.

As the intent of the proposed development satisfies all applicable policies and the development/Site Plan Agreement, the Holding provision should be removed so that development can proceed on the subject lands.

CONCLUSION:

Based on the above, the Zoning Amendment application for the removal of the Holding provision can be supported.

:JT
Attachs. (2)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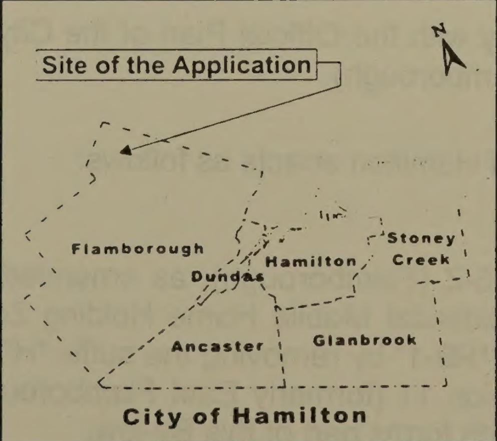
353
326


N
Site of the Application
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Subject Property
Part of Lot 4, Concession 11 (Flamborough)

⬡	**BLOCK 1** Lands to remove the Holding "H" provision from the Residential Mobile Home "R9-1" Zone
▨	**BLOCK 2** Lands to remain Residential Mobile Home "R9-1" Zone
▦	**BLOCK 3** Lands to remain Residential Mobile Home "R9-1 (H)" Zone
☒	**BLOCK 4** Lands to remain Conservation Management "CM" Zone

Hamilton

Filename number
ZAR-01-44

Date
April 2. 2003

Technician
CL

Map Not to Scale

Appendix "A"

Authority: Item , Committee of the Whole
Report
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended Respecting Lands Located at Part of Lot 4, Concession 11 (East Flamborough)

WHEREAS the City of Hamilton Act. 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Flamborough" and is the successor to the former regional municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Flamborough).

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule “A-2” of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby amended by changing from the Residential Mobile Home Holding Zone “R9-1 (H)” to Residential Mobile Home Zone “R9-1” by removing the suffix “H” for those lands located on Part Lot 4, Concession 11 (formerly East Flamborough) more particularly shown on Schedule “A” which forms part of this By-law.

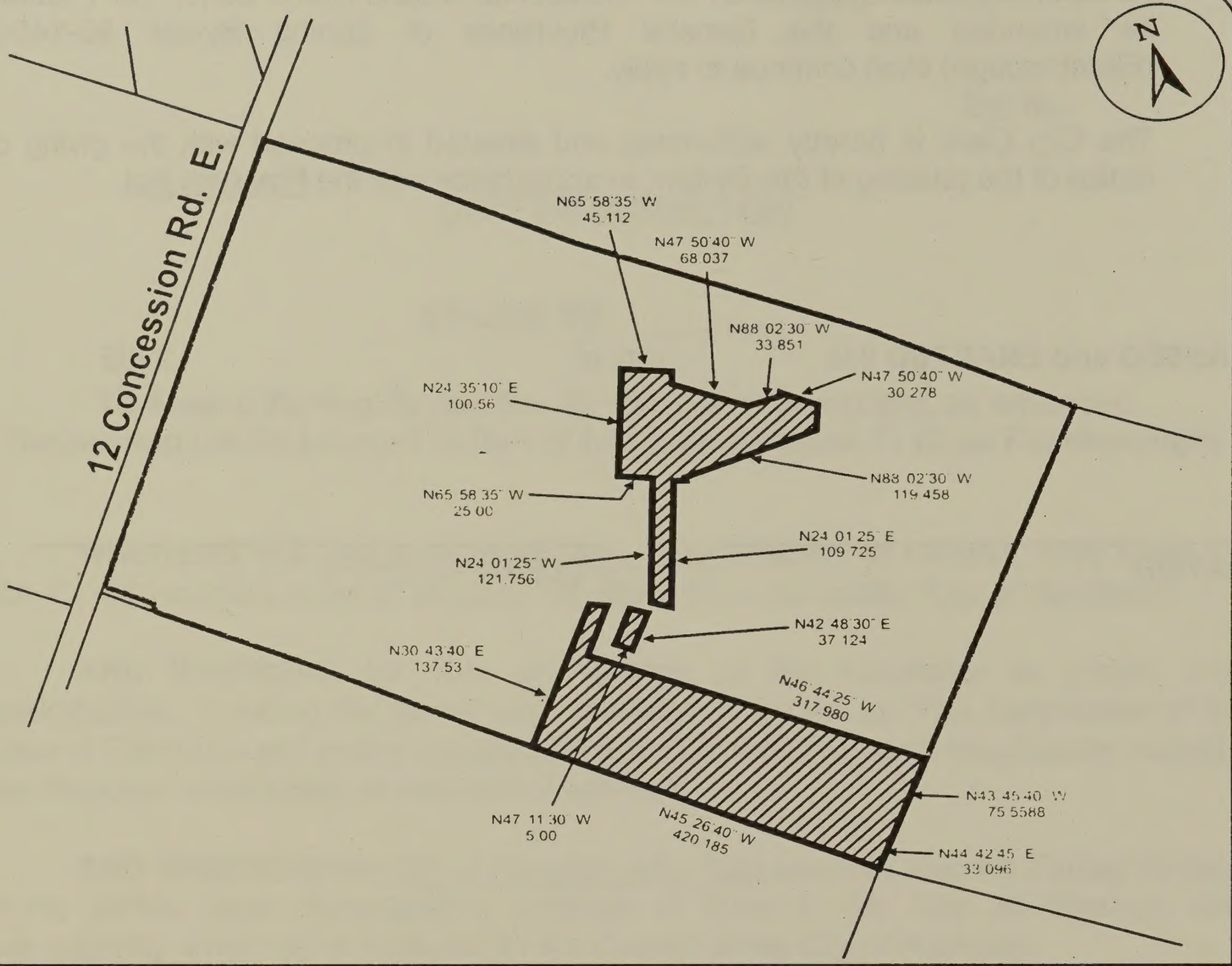
2. All other regulations of Section 14 – Residential Mobile Home Zone, “R9-1” Zone, as amended and the General Provisions of Zoning By-law 90-145-Z (Flamborough) shall continue to apply.

3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this day of , 2003 .

MAYOR

CLERK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12 Concession Rd. E.
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N47 50'40" W
68.037
N88 02'30" W
33.851
N47 50'40" W
30.278
N24 35'10" E
100.56
N88 02'30" W
119.458
N65 58'35" W
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N24 01'25" E
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N42 48'30" E
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N30 43'40" E
137.53
N46 44'25" W
317.980
N43 45'40" W
75.5588
N47 11'30" W
5.00
N45 26'40" W
420.185
N44 42'45" E
33.096

This is Schedule "A" to By-Law No. 03 —

Passed the day of , .2003

Clerk

Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03____
to Amend By-Law No 90-145-Z

Hamilton

Planning and Development Department

LEGEND

☐ **Subject Property**
Part of Lot 4, Concession 11, (Flamborough)

▨ Lands to remove the Holding 'H' provision
from the Residential Mobile Home "R9-1" Zone

North	Scale	Reference File No
	NOT TO SCALE	*ZAR-01-44*
	Date	Drawn By
	April 7, 2003	*CL*

3.5

MOTION

Date: May 20, 2003

MOVED BY COUNCILLOR POWERS..

SECONDED BY COUNCILLOR..

That Clerks staff be directed to undertake a review of the requirement (legislated and non-legislated) for Council representation on any Boards, Authorities and Advisory Committees and report to the Council's Working Group on Advisory Committees , who may provide recommendations for change, with an effective date of December 1, 2003.

3.6

MOTION

Date: May 20, 2003

MOVED BY COUNCILLOR MORELLI..

SECONDED BY COUNCILLOR..

That Item 5 of Committee of the Whole Report 03-013 approved by City Council on May 14, 2003 respecting Intersection Control - Gage Avenue North and Beechwood Avenue be amended by adding the following subsection (c):

(c) That the morning and afternoon peak hour stopping prohibitions on both sides of Gage Avenue between Cannon Street East and Barton Street East, except in the area of Gage Avenue School be removed.

CASON HAM
A34
2003

MUNICIPAL DOCUMENT

TOGETHER·ASPIRE ◆ TOGETHER·ACHIEVE

City of Hamilton

AGENDA

COMMITTEE OF THE WHOLE 03-016

Tuesday, June 3, 2003

9:30 a.m.

Council Chamber
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Kevin C. Christenson
City Clerk

Please note: All cellular telephones and pagers to be switched to a non-audible function during Council and Committee meetings.

Agenda available on-line at www.hamilton.ca
(click on "City Government")

1. DECLARATIONS OF INTEREST

2. ADOPTION OF MINUTES

2.1 May 20/27, 2003 (to be distributed)

3. DELEGATION REQUESTS

None

4. CONSENT ITEMS

4.1 Request for Removal of the Holding (H) Provision - Lands located on the East Side of Garth Street, in the Former Township of Glanbrook (PD3132) (Ward 11)

4.2 Heritage Permit Application (HP2003-010) to Permit the construction of a Detached Residence and Detached garage at 1026 Beach boulevard within the Hamilton Beach Heritage Conservation District, City of Hamilton (PD03128) (Ward 5)

4.3 Intersections on Garth Street at Twenty Road and at Garth Trails Crescent (PW03064) (Ward 11)

4.4 Sign Variance Application SV-03-01 for 92 and 116 Glancaster Road (Former Town of Ancaster) (PD03134)

4.5 Request for the Assumption of Public Services, Rockview Summit, Waterdown Mills, Phase 1 and Waterdown Mills, Phase 2 (PD03130) (Ward 15)

4.6 Status of the Homemakers and Nurses Services Program Termination (HCS03012) (City Wide)

5. PRESENTATIONS

None

DISCUSSION ITEMS

6. CITY MANAGER

6.1 2004 Business Plan and budget (CM03018)

7. CORPORATE SERVICES

7.1 Ontario Municipal Employees Retirement System (OMERS) Update on Phasing-In of Contributions (FCS03091) (City Wide)

7.2 Uncovered Crossovers on Highways (LS03014) (City Wide)

8. ECONOMIC DEVELOPMENT

8.1 Sale of City Owned Property - Cormorant Road, Ancaster Industrial Park Phase IV to 1340778 Ontario Inc. (ECO03011) (Ward 12)

9. EMERGENCY SERVICES

None

10. HUMAN RESOURCES

None

11. PLANNING AND DEVELOPMENT

11.1 Municipal Housing Facility By-law (PD03122) (City Wide)

11.2 Hamilton Downtown Residential Loan Program (PD03123) (Ward 2)

11.3 Sanitary Sewer Capacity - Dundas/Flamborough (PD03131) (Wards 13, 14 and 15)

11.4 Hiring of Temporary Staff to Facilitate Moving Forward with Divesting in Surplus Properties (PD03133) (City Wide)

11.5 Downtown Hamilton Urban Development Bank (PD03106) (Ward 2)

11.6 Request for Proposal for the Sale and Development of Municipal Property Identified as 171 Main Street East (PD03085) (Ward 2)

12. PUBLIC HEALTH AND COMMUNITY SERVICES

None

13. PUBLIC WORKS

13.1 Hamilton Association For Community Living - Litter and Cleaning Services Contract (PW03058) (City Wide)

13.2 Delegation of Authority Respecting HSR Bus Stops (PW03062) (City Wide)

13.3 Potential Infestation of Emerald Ash Borer on City Owned Ash Trees (PW03063) (City Wide)

13.4 Bell Canadian Open (PW03065) (Ward 12)

13.5 Leash Free Parks Program Policy (PW03067) (City Wide)

13.6 University Bus Program - McMaster Students Union and McMaster Graduate Students Association (PW03068) (City Wide)

14. JOINT DEPARTMENTAL REPORTS

14.1 Seasonal Decorative Tree Lighting - Electricity Charges (PW03061/PD03129) (City Wide)

15. REPORTS BY SUB-COMMITTEES

15.1 Report of the Working Group on Advisory Committees

15.2 Playfields Sub-Committee Report 03-001

16. POLICE SERVICES BOARD

None

17. ITEMS DEFERRED AT PREVIOUS MEETING

None

18. REPORTS OF VOLUNTEER CO-ORDINATING COMMITTEES

18.1 Corporate Secretariat Volunteer Co-ordinating Committee (to be distributed)

19. ITEMS REFERRED BY CITY COUNCIL

None

20. MOTIONS

None

21. NOTICES OF MOTIONS

None

22. GENERAL INFORMATION

None

23. PRIVATE AND CONFIDENTIAL

23.1 Union Gas Settlement

24. ADJOURNMENT

OUTSTANDING BUSINESS

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
A.	Report on Colliers Recommendations – HECFI Facilities	March 28/01	Public Works (Fleet and Facilities)		2002 - Q1
B.	Demolition of 226 Avondale Street	April 25/01	N/A		TABLED by Councillor Morelli
C.	Toll for Red Hill Creek Expressway	Nov 21/01	Public Works Corporate Services	Staff to bring a report back on option for tolling Red Hill Creek Expressway	Awaiting Provincial Regulations
C.	Strategy to attract Factory Outlet stores	Feb. 13/02/further updated on August 6/02	Economic Development	Staff to bring implementation plan to Committee	
D.	Pest Control	May 7/02	Planning and Development	Staff to report back on control of pests/rodents prior to demolition permit issued	June/03
E.	Hannon Post Office	May 7/02	Corporate Services	Staff to report back on possibility of address changes that align with telephone exchanges	
F.	Capital Program to modify mountable curb driveway approaches	July 2/02	Public Works	Three sections tabled pending public consultation	
G.	Uncovered Crossovers on Highways	August 6/02	Risk Management and Legal	Staff to report back	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
H.	Floating Casino - West Harbour	August 13/02	Legal Services	Staff to report back on feasibility of securing a casino license for floating casino	Nov./02
I.	Correspondence from Mr. Reginald Beaudry respecting Tree Species List	Council Communication of September 11, 2002	Public Works (Parks)	Staff to report back to Committee of the Whole as part of the Forestry Management Plan exercise	Q1- 2004
J.	Hamilton Future Fund	Sept. 10/02	Corporate Services	Staff to provide monthly reports to Council and Trustee Panel on the approved projects to assist in monitoring	Ongoing
K.	Services Review - City Maintenance Operations	Sept/10/02	City Manager	City Manager to provide ongoing and final reports to Council on behalf of the Services Review Committee	Ongoing
L.	Hamilton's Wastewater System	Sept. 17/02	Public Works	Staff to investigate possible partnership re: dredging of the Windemere basin, Updates	Q3 - 2003
M.	Subsection g) HMRF/HWRF Pension Administration Sub-Committee Report	Sept. 24/02	COW	Tabled pending delegation from Hamilton Police Association appearing at HSC	
N.	By-law to regulate postering of signs on public property	Sept. 17/02	Public Works and Corporate Services	Staff to prepare by-law to regulate	Q1 - 2004

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
O.	Community Care Access Centre - program pressures arising from enforcement of eligibility criteria	Nov/02	Public Health and Community Services	Staff to report back	
P.	Joint Local Transfer Plan - CCCOSH	Nov 19/02	Planning and Development	Staff to report back with recommendations on areas of municipal flexibility by April 30th 2003	May 2003
Q.	Indoor Soccer Facility	Dec 10/02	Public Health and Community Services	Staff to report back on EOI	
R.	MOU with YMCA	Dec 10/02	Public Health and Community Services	Staff to report back on any formal agreements	
S.	286 Sanford Avenue	Jan. 7/03		Tabled at Committee	
T.	Term Ending Report Card - 6 municipalities and Region	Feb 11/03	City Manager	Report back on implementation of recommendation	
U.	HAHPI	Mar.3/03 Budget	Planning and Development	Staff to report back with detailed Terms of Reference for the Housing Hamilton Innovations fund	Q2-2003
V.	Transit Service	March 3/03 Budget	Public Works	Staff to report back on transit service levels, public consultation of process for transit	Q4-2003
W.	Future consulting costs	March 3/03 Budget	CMT	Staff to report back on all future consulting costs	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
X.	Shifting Gears	March 4/03	Public Works	Staff to report back on plan's implementation, outstanding issues, goals	Q3-2003
Y. L	Land Application and Biosolids/Nutrient project	March 4/03 COW & April 9 HSC	Public Health/Public Works	Staff to report back on public health involvement; results and recommendations of final Master Plan	
Z.	Keys to Home - Housing Policy	March 4/03	Planning and Development	Staff to report back with draft plan by August 31/2003	
AA.	Retail Booths at City Hall and Municipal Service Centres	March 18/03	City Manager/Corporate Services	Staff to report back on concept	
BB.	Severe Acute Respiratory Syndrome (SARS)	Apr. 1/03	Public Health	Staff to report to back on a regular basis the city resources expended	Ongoing
CC.	Policy to permit staff to go onto private property	April 1/03	Public works/Planning / Legal	Staff to formulate policy	Q1-2004
DD.	Plan for Contingency Fund	April 1/03	Corporate Services	Staff to formulate policy	2004 Budget
EE.	DARTS contractual compliance with approved budget and trip delivery	April 15/03	Public Works	Ongoing	
FF.	2003 Municipal Election Advance, Special Advance and Institutional Voting	April 15, 2003	Finance and Corporate Services	Report back in one month on comparisons	June/03
GG.	Insurance Riders - Patios	April 15, 2003	Finance and Corporate Services	Staff to report back on required rider	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
HH.	Commonwealth Games Host City Contract/ multi-party agreement with the Government of Canada and the Government of Ontario/ "2010 Games Office"	April 30, 2003		Staff to report back	
II.	Property Standards By-law	May 6, 2003	Planning and Development	Staff to report back in one year on the effectiveness of the by-law	May 2004
JJ.	In Year Service Reductions to mitigate 2003 tax budget unfavourable variances	May 6, 2003	Finance and Corporate Services	Staff to develop plans	
KK.	Budget Reductions for Print & Mail	May 6, 2003	Finance and Corporate Services	Tabled	
LL.	Red Light Camera Program	May 6, 2003	Public Works	Staff to review options, and submit results of investigation to Council	
MM.	Investigation of State-of-the-Art Energy	May 6, 2003	Public Works	Staff to investigate EFW technologies and report back to council with findings and recommendations for action	
NN.	Removal of Holding Symbol Lot 4 Concession 11, Sierra Lane Developments	May 6, 2003	Planning and Development	Staff to report back on what presently exists	

SECTION 2

SECTION 3

SECTION 4

AFFECTS
WARD 11

CITY OF HAMILTON

4.1

PLANNING AND DEVELOPMENT DEPARTMENT
Development Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	May 16, 2003	**Prepared by:**	Kristen Boulard
File:	ZAR-03-29		(905) 643-1262, Ext. 331

SUBJECT: **Request for Removal of the Holding (H) Provision - Lands located on the East Side of Garth Street, in the Former Township of Glanbrook (PD03132) (Ward 11)**

RECOMMENDATION:

(a) That approval be given to **Zoning Application ZAR-03-29, Garth Trail Limited, owner,** requesting removal of the Holding "H" Provision under Section 36(1) of the Planning Act, R.S.O., 1990, to permit townhouse dwellings on lands located on the east side of Garth Street, Part of Lot 3, Concession 1, as shown on Appendix "A" to Report PD03132, on the following basis:

(i) That the Lands be rezoned from the Residential Multiple Holding "H-RM3-162" Zone to the Residential Multiple "RM3-162" Zone.

(b) That the draft By-law to amend Zoning By-law No. 464, attached as Appendix "B" to Report PD03132, be forwarded to Council for adoption.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The purpose of this By-law is to remove the Holding (H) Provision for land located on the east side of Garth Street, within the draft approved "Garth Trails" Subdivision (25T-200104), Part of Lot 3, Concession 1, as shown on Appendix "A". The owner of the subject property has submitted this application to allow for the development of townhouse dwellings in accordance with the Residential Multiple "RM3-162" Zone.

The Holding Provision was imposed, until such time, as the subject property received draft plan of subdivision approval, the design of the Garth Street extension was satisfactory to the City, and site plan approval was granted for certain blocks within the subdivision. The owner obtained draft plan approval for the property (25T-200104) in May 2001, and is proceeding toward registration. In July 2002, engineering staff indicated that they are satisfied with the design of the Garth Street extension as submitted by A. J. Clarke and Associates Ltd. Finally, a Site Plan application was submitted in December 2002 (DA-02-232). Staff, therefore, supports the application to remove the Holding Provision.

BACKGROUND:

On November 6, 2000, the Township of Glanbrook passed By-law No. 464-71-00 to allow development of the "Elderberry Estates" Subdivision (now Garth Trails). On May 17, 2001, the subdivision was draft approved. On July 10, 2001, the City of Hamilton passed By-law No. 01-154 to further rezone the lands within the subdivision to the appropriate zone categories. The amending By-laws included Holding provisions on the subject property until the lands received draft plan approval for a subdivision, the design of the Garth Street extension was to the satisfaction of the City, and site plan approval was granted for certain blocks within the subdivision.

ANALYSIS OF ALTERNATIVES:

N/A.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council approval is required for removal of a Holding Provision. A Public Hearing is not required, however, notice of the intent to pass the By-law must be given. There are no financial or staffing implications related to this proposal.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The application falls within the parameters of the Provincial Policy Statement.

Hamilton-Wentworth Official Plan

The subject property is designated as Urban Area within the Hamilton-Wentworth Official Plan. A wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. As the Holding Provision was put in place as a development control tool to ensure the subject lands were developed by plan of subdivision, the design of the Garth Street extension was satisfactory to the City, and site plan approval was granted for certain blocks within the subdivision, the application does not conflict with the policies of the Hamilton-Wentworth Official Plan.

Glanbrook Official Plan

The subject property is designated Residential on Schedule “A”, Land Use Plan, in the Glanbrook Official Plan. The removal of the Holding (H) Provision from the subject property conforms to this designation.

With respect to Holding By-laws, the Plan states that when all conditions specified in the Holding By-law are met, Council may consider passing a By-law to remove the Holding Provision and allow development to take place in accordance with the zoning category assigned.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Public Health and Community Services, Health Protection Branch

The Health Protection Branch advises that any private wells existing on the lands are required to be properly plugged as per Section 2.1 of the Ontario Regulation 903 under the Ministry of the Environment.

Hamilton Street Railway, Route Planning & Schedule Development

The Twenty Road West area will continue to be serviced by non-conventional public transit, such as shared-ride taxis (premium fare) or a small van on a demand-responsive, flexible routing. There are no plans to extend regular fixed route public transit services into this area. The Hamilton Street Railway supports the inclusion of high quality pedestrian amenities at the development like walkways, lighting, etc.

Agencies/Departments Having No Concern or Objections

- Public Works Department, Capital Planning and Implementation;
- Enbridge Pipelines Inc.

CITY STRATEGIC COMMITMENT:

The removal of the Holding Provision will allow for the development of serviced residential lots within the Urban Area.

COMMENTS:

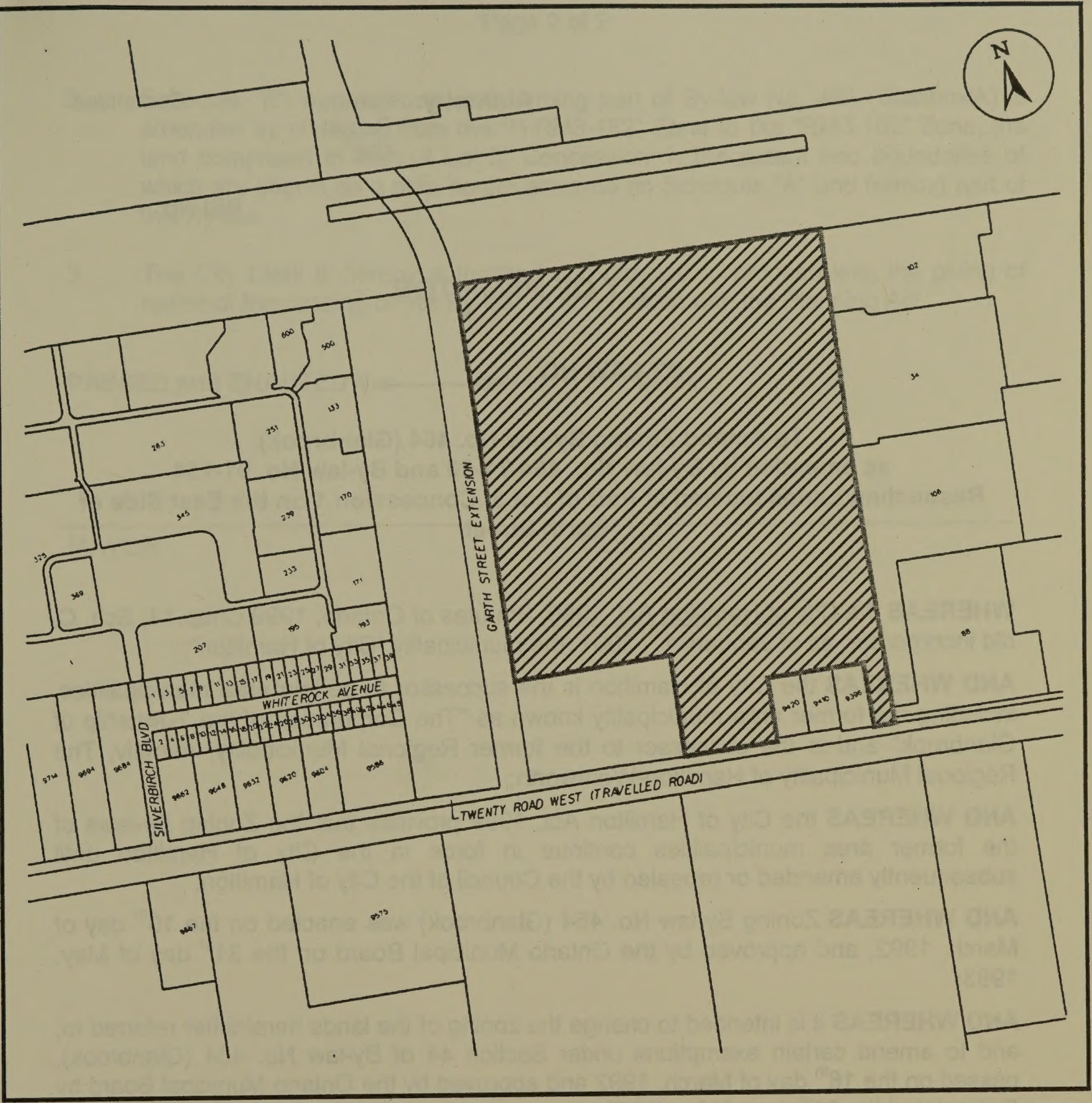
The approval of the draft plan of subdivision, known as “Garth Trails”, the approval of the design of the Garth Street extension, and the submission of a Site Plan Agreement application, satisfies the conditions to remove the Holding (H) Provision.

CONCLUSION:

Based on the foregoing, the Department supports the removal of the Holding (H) Provision from the subject land.

:kb
Attachs. (2)

APPENDIX "A" TO REPORT PD03132


N
GARTH STREET EXTENSION
TWENTY ROAD WEST (TRAVELLED ROAD)
WHITEROCK AVENUE
SILVERBIRCH BLVD
600
506
133
251
263
170
345
239
233
171
369
325
193
195
207
9420
9410
9396
102
34
108
88
9714
9694
9684
9662
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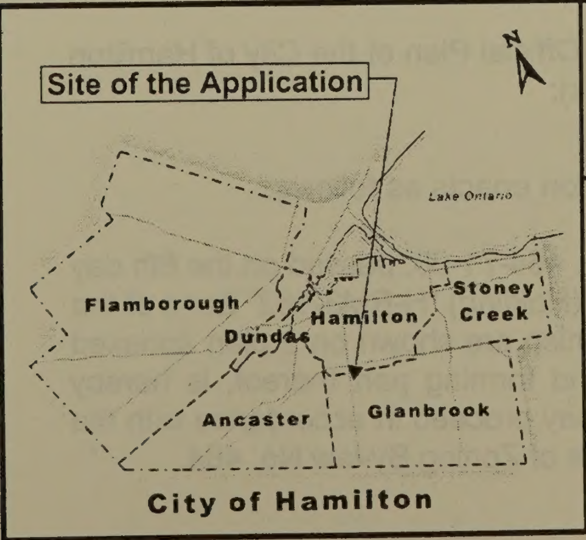
9632
9620
9604
9586
9667
9575


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
Part of Lot 3, Concession 1
(Glanbrook),
Garth Street Extension

Hamilton

Filename/number
ZAR-03-29

Date
April 10, 2003

Technician:
NM

Map Not to Scale

Appendix "A"

Authority: Item , Committee
Report
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 464 (Glanbrook) as amended by By-law No. 464-71-00 and By-law No. 01-154 Respecting Lands located at Part of Lot 3, Concession 1 on the East Side of Garth Street.

WHEREAS the City of Hamilton Act. 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Township of Glanbrook" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS it is intended to change the zoning of the lands hereinafter referred to, and to amend certain exemptions under Section 44 of By-law No. 464 (Glanbrook), passed on the 16th day of March, 1992 and approved by the Ontario Municipal Board by Order dated the 31st day of May, 1993.

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook);

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The "H" (Holding) symbol affixed by By-law No. 464-71-00, passed on the 6th day of November 2000, to the Residential Multiple (Holding) "H-RM3-162" Zone of the subject lands, the extent and boundaries of which are shown on a plan annexed as Schedule "A" to By-law No. 464-71-00 and forming part thereof, is hereby removed, and the development of the lands may proceed in accordance with the Residential Multiple "RM3-162" Zone provisions of Zoning By-law No. 464.

2. Schedule “E”, appended to and forming part of By-law No. 464 (Glanbrook) is amended by changing from the “H-RM3-162” Zone to the “RM3-162” Zone, the land comprised in Part of Lot 3, Concession 1, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this By-law.

3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this day of , 2003.

MAYOR

CLERK

BACKGROUND:

The HCD was designated by the former City of Hamilton and approved by the Ontario Municipal Board in 2001, under Section 41 of the Ontario Heritage Act. Under Section 42 of the Ontario Heritage Act, a permit is required for the erection of any building or structure or for altering the external portions of any building or structure. Only the Council of the municipality may issue such permits.

The subject property at 1026 Beach Boulevard (see location map attached as Appendix A to Report PD03128) is a vacant lot and one of several City lots that have been recently sold. This subject application has been considered in the context of the HCD guidelines. The guidelines prepared for the Beach Boulevard HCD, and approved by the former City of Hamilton, provide advice on appropriate, compatible, new construction that has regard for height, width, setback, proportion and massing, roofs, materials, entrances, garages and ancillary structures.

The proposed detached dwelling is a one-and-a-half story structure, with a cross-gable roof. The gable is to be finished with white fish-scale shingles. The detached double garage is to be situated to the rear of the property. The exterior walls of the house and garage are to be of vertical pine board and batten, with parged foundation in concrete. Trim will be synthetic materials in complementary colours, including balustrading, doors and windows. Windows are to be single casement and free of decorative synthetic muntins. Self-sealing asphalt shingles used on the roof will be an appropriate colour. The proposed materials and the location of the proposed dwelling are considered to be acceptable, as they satisfy the intent of the district guidelines.

ANALYSIS OF ALTERNATIVES:

The applicant has consulted with staff regarding the overall design and details of construction materials of the proposed dwelling. A number of alternatives in materials have been informally considered and discussed during pre-consultation, prior to formal submission of the permit application. These changes in materials are acceptable to staff, the Heritage Permit Review Sub-Committee, and the applicant.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – Not applicable.

Staffing – Not applicable.

Legal – This heritage permit application has been processed and considered within the context of the applicable legislation.

POLICIES AFFECTING PROPOSAL:

Subsection C.6-Heritage Resources of the former City of Hamilton's Official Plan provides for the management of the wealth of local heritage resources. The policies also provide for the designation of heritage conservation districts under Part V of the Ontario Heritage Act, and for the preparation of criteria to regulate design. Alterations, additions and new construction within the Hamilton Beach HCD are guided by the Hamilton Beach Heritage Conservation District Guidelines. The subject permit application is considered to be in keeping with these guidelines.

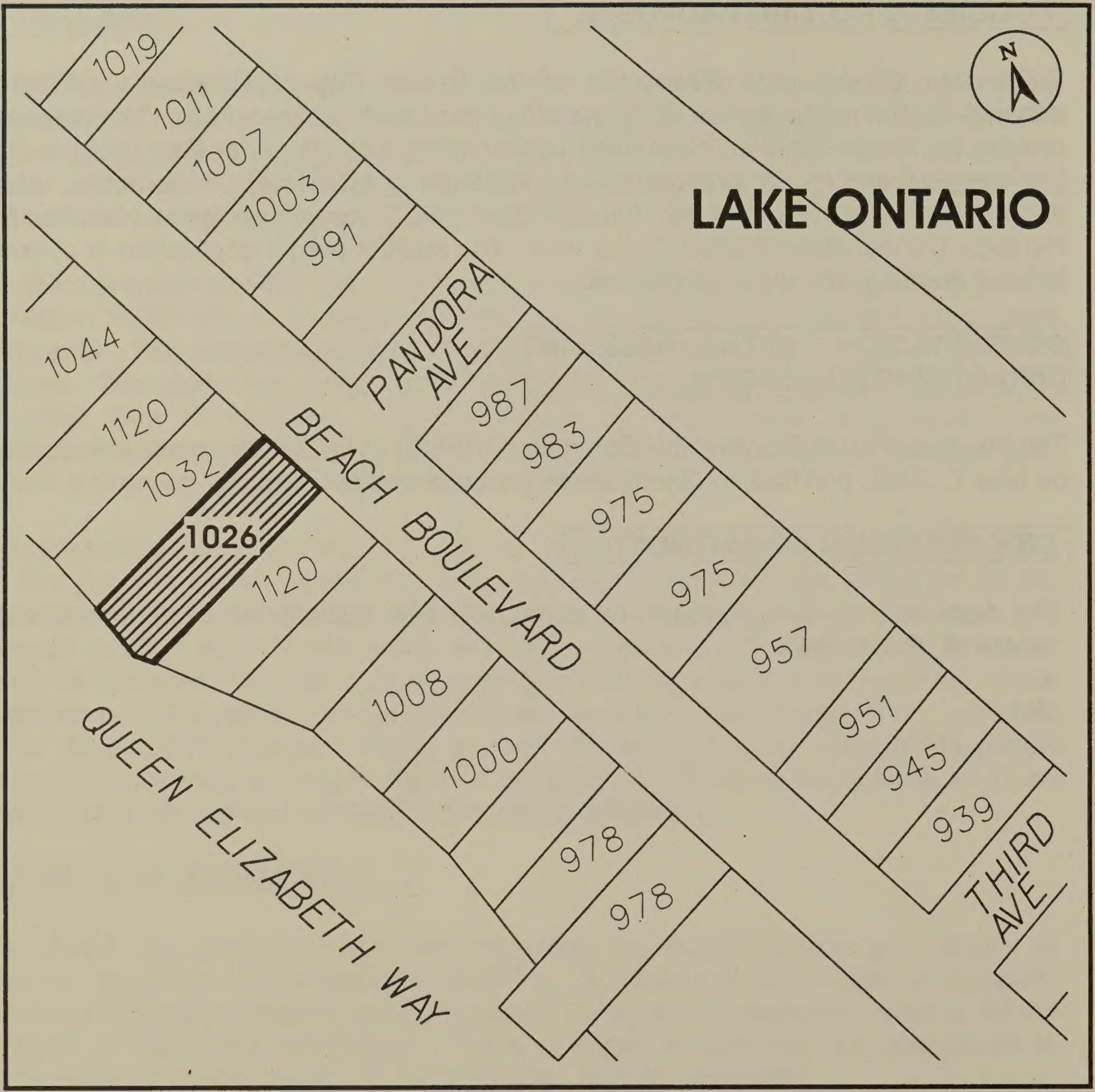
CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Heritage Permit Review Sub-Committee (HPRS) of LACAC reviewed this application on May 7, 2003, and has no objections to the proposed residence.

CITY STRATEGIC COMMITMENT:

The application is considered to be compatible with sustainable development and the values of Vision 2020.

:JM
Attach. (1)


N
LAKE ONTARIO
1019
1011
1007
1003
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PANDORA AVE
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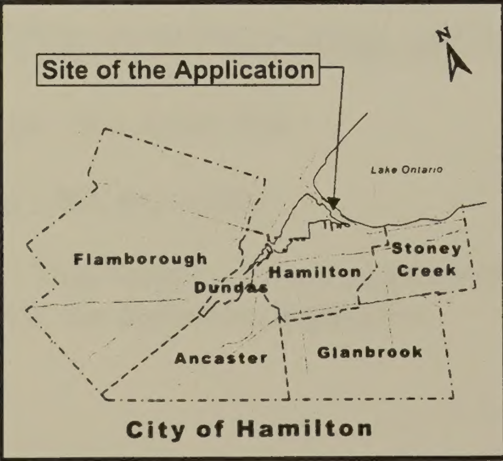
983
975
975
957
951
945
939
THIRD AVE
1044
1120
1032
1026
1120
BEACH BOULEVARD
1008
1000
978
978
QUEEN ELIZABETH WAY


N
Site of the Application
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
1026 Beach Boulevard

Hamilton

Filename/number
PD03128

Date
May 06, 2003

Technician:
AF

Map Not to Scale

Appendix "A"

AFFECTS WARD 11

CITY OF HAMILTON

4.3

PUBLIC WORKS DEPARTMENT
Operations & Maintenance Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	May 12, 2003	**Prepared by:**	Chris van Berkel Extension 5663

SUBJECT: **Intersections on Garth Street at Garth Trails Crescent (PW03064) - (Ward 11)**

RECOMMENDATION:

(a) That eastbound traffic on Garth Trails Crescent (northerly intersection) be required to stop for northbound and southbound traffic on Garth Street.

(b) That eastbound traffic on Garth Trails Crescent (southerly intersection) be required to stop for northbound and southbound traffic on Garth Street.

(c) That the by-law outlined in Report PW03064 as Appendix A to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

Garth Street has recently been extended southerly from Rymal Road to intersect with Twenty Road. There is also a new street, known as Garth Trails Crescent, which intersects Garth Street at two eastbound "T" type intersections. It is appropriate to implement stop control on the stems of these three "T" type intersections. Installation of the proposed stop signs is to be funded from the contribution raised through the subdivision agreement.

BACKGROUND:

The information/recommendations contained within this report primarily affects Ward 11.

Garth Street was recently extended southerly to intersect with Twenty Road from Rymal Road. There is now a new street, known as Garth Trails Crescent, which intersects

Garth Street at two eastbound "T" type intersections. Since these roads have now been dedicated to the City, it would be appropriate to implement stop control on the stems of all three "T" type intersections.

ANALYSIS OF ALTERNATIVES:

One alternative to implementing stop control at the "T" type intersections would be to take no action. The Ontario Highway Traffic Act stipulates that all traffic approaching an uncontrolled intersection must yield the right-of-way to traffic approaching on the right. However, in the interest of public safety, and in lieu of the otherwise applicable right-hand-rule, which may not be clearly understood by all motorists, staff are recommending that stop signs be installed on the stem of these "T" type intersections.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available in the regular current accounts to cover the costs of manufacturing, erecting and maintaining the required signs. Funding is received through the subdivision agreement.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

The implementation of stop control will clearly define the "right-of-way" at the subject intersection, thus, reducing the potential for collisions and providing a safer community. This approach reinforces the City's Vision 2020 goals of reducing risks and developing a safer physical environment.

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. 03-

To Amend By-law No. 01-215 Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "D" thereof the following items, namely:

Garth Trails Cr.	Eastbound	Garth St. (northerly intersection)
Garth Trails Cr.	Eastbound	Garth St. (southerly intersection)

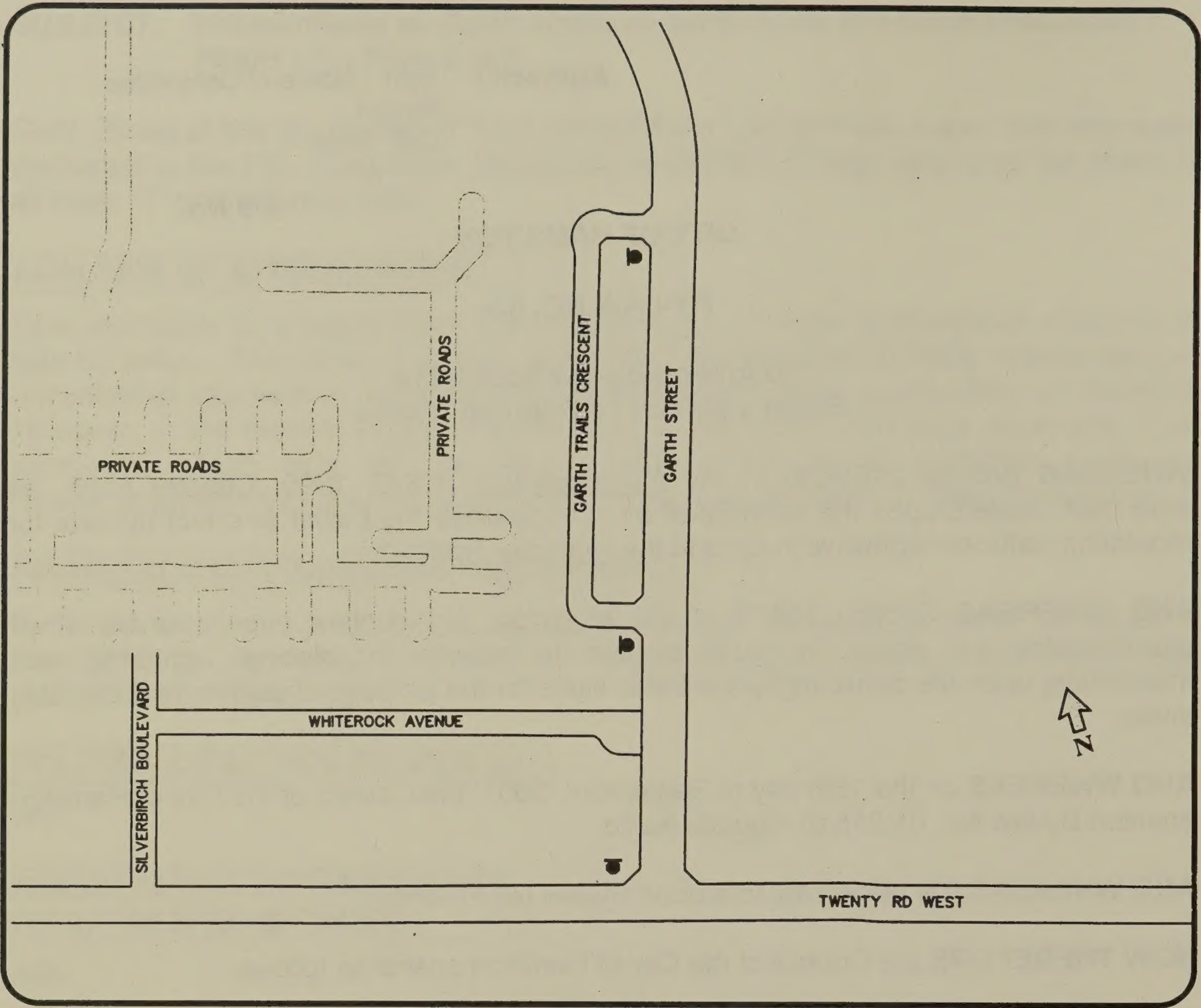
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

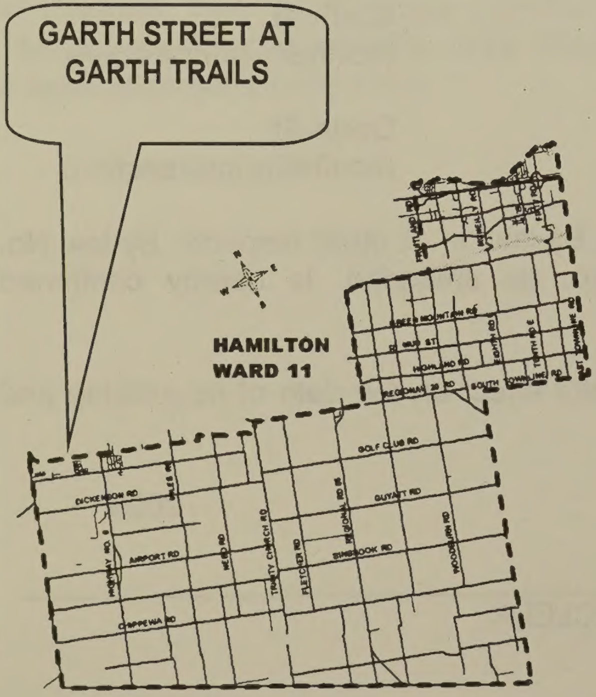
PASSED and ENACTED this day of , 2003

MAYOR

CLERK


PRIVATE ROADS
PRIVATE ROADS
GARTH TRAILS CRESCENT
GARTH STREET
SILVERBIRCH BOULEVARD
WHITEROCK AVENUE
TWENTY RD WEST
N

KEY MAP


GARTH STREET AT GARTH TRAILS
HAMILTON WARD 11
GOLF CLUB RD
DICKENSON RD
GUYATT RD
AIRPORT RD
BINBROOK RD
CHIPPEWA RD
HIGHWAY NO. 6
TRINITY CHURCH RD
FLETCHER RD
REGIONAL RD 56
WOODBURN RD
REGIONAL 20 RD
SOUTH TOWNLINE RD
HIGHLAND RD
MUD ST
RYMAL RD
UPPER MOUNTAIN RD
FRUITLAND RD
FIRST RD
TENTH RD E
EIGHTH RD
SEVENTH RD
EAST TOWNLINE RD

LOCATION PLAN

STOP CONTROLS:
GARTH STREET AT

- **GARTH TRAILS CRES - NORTH LEG**
- **GARTH TRAILS CRES - SOUTH LEG**

CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

LEGEND

➡ SUBJECT INTERSECTION

RECOMMENDED	EXISTING
● TRAFFIC SIGNAL	○ TRAFFIC SIGNAL
● STOP SIGN	○ STOP SIGN
▼ YIELD SIGN	▽ YIELD SIGN
◆ ROUNDABOUT	◇ ROUNDABOUT

SCALE	DATE
NOT TO SCALE	**2003-05-23**

REFERENCE FILE NO: **PW03064**

AFFECTS
WARD 12

CITY OF HAMILTON

4.4

PLANNING AND DEVELOPMENT DEPARTMENT
Development Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	May 15, 2003	**Prepared by:**	Shannon Woodall (905) 546-4320

SUBJECT: **Sign Variance Application SV-03-01 for 92 and 116 Glancaster Road, (Former Town of Ancaster) (PD03134) (Ward 12)**

RECOMMENDATION:

That **Sign Variance Application SV-03-01, Hamilton Association For Christian Education Incorporated, owners**, for lands located at 92 and 116 Glancaster Road, (former Town of Ancaster), to permit an Electronically Animated Sign, be approved provided that the sign is used for school purposes only and third party advertising is prohibited.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

A request was received from agent Fred Bennink, on behalf of Hamilton Association for Christian Education Inc., to allow an Electronically Animated Sign, which is not permitted under Section 4.4 of the former Town of Ancaster Sign By-law (By-law No. 95-50). Since the base of the sign already exists and is not changing, and the intent is simply to replace a read-o-graph sign with an electronic read-o-graph sign for school purposes only, the application can be supported.

BACKGROUND:

Agent: Fred Bennink, c/o Zip Signs Limited

Owner/Applicant: Hamilton Association for Christian Education Incorporated

Proposal:

The operators of Hamilton Association for Christian Education Incorporated are applying to permit an Electrically Animated Sign as a message board for the Hamilton District Christian High School, which is situated on the subject lands. The location of the subject property is illustrated on Appendix "A" to Report PD03134, and the type and design of the sign being proposed is illustrated in Appendix "B" to Report PD03134. The existing Ground sign is shown in Appendix "C" to Report PD03134.

The subject lands are zoned Institutional "I-418" in Ancaster Zoning By-law 87-57. Section 4.4.4, Illuminated Signs & Electronically Animated Signs of the Ancaster Sign By-law No. 95-50, stipulates that "Electrically animated signs, or signs having moving parts or changing messages, are not permitted." As such, an electronically animated sign is not permitted on the subject property.

Under Section 14.1 of the former Town of Ancaster Sign By-law, the owner, or their agent, responsible for a proposed sign who cannot comply with the requirements of the By-law, may apply to Council for a variance. Section 14.2 states that "Council shall hear all applications for a variance to this By-law and may authorize minor variances to this By-law provided that, in the opinion of the Council, the general intent and purpose of this By-law is being maintained."

ANALYSIS OF ALTERNATIVES:

If the sign variance application were to be denied, then the existing secondary school would continue to use their existing Ground sign.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

POLICIES AFFECTING PROPOSAL:

Zoning By-law 87-57 (former Town of Ancaster).

The subject property is zoned Institutional "I-418", which permits a public or private school.

Sign By-law 95-50 (former Town of Ancaster)

Sign By-law 95-50 regulates the size, use, location and maintenance of signs within the Town of Ancaster. Illuminated Signs and Electrically Animated Signs are not permitted within any zone in Ancaster.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The application was reviewed by internal departments and had no concerns.

COMMENTS:

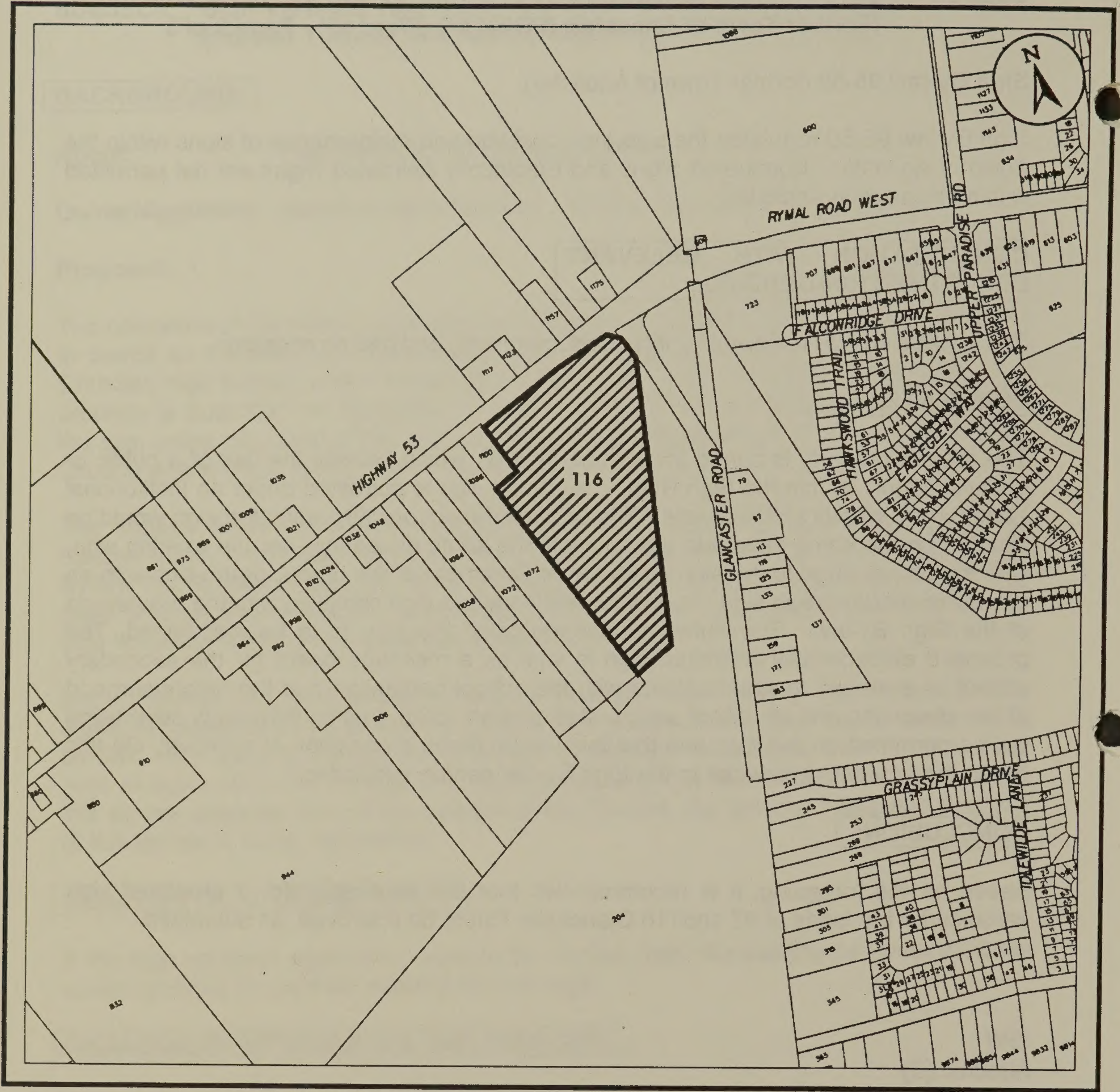
The subject property is zoned Institutional "I-418", which permits the use of a public or private school. Within the Sign By-law, a ground sign is permitted under an Institutional Zone, and currently exists on site. The proposed electronically animated sign would be situated on the same base and will maintain the same dimensions as the existing sign, with the only change to the sign being the replacement of the read-o-graph sign with an electronic read-o-graph sign. In all other respects the sign complies with the regulations of the Sign By-law. The outward appearance of the sign is to be maintained. The proposed electronically animated sign is vital as a message board for the secondary school as a means to communicate with the school population and the neighbourhood of any upcoming and important events. It should be noted, that no third party advertising will be permitted on the sign and that this will be made a condition of approval. On this basis, the requested variance to the Sign By-law can be supported.

CONCLUSION:

Based on the foregoing, it is recommended that the application for a proposed sign variance for the lands at 92 and116 Glancaster Road, be approved, as submitted.

:SW
Attachs. (3)

Appendix "A" to Report PD03134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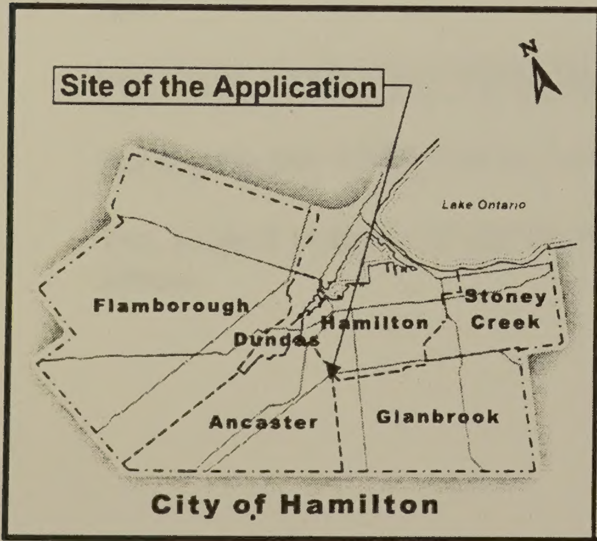
RYMAL ROAD WEST
UPPER PARADISE RD
FALCONRIDGE DRIVE
HAWKSWOOD TRAIL
EAGLEGLEN WAY
HIGHWAY 53
116
GLANCASTER ROAD
GRASSYPLAIN DRIVE
IDLEWILDE LANE


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
116 Glancaster Road

Hamilton

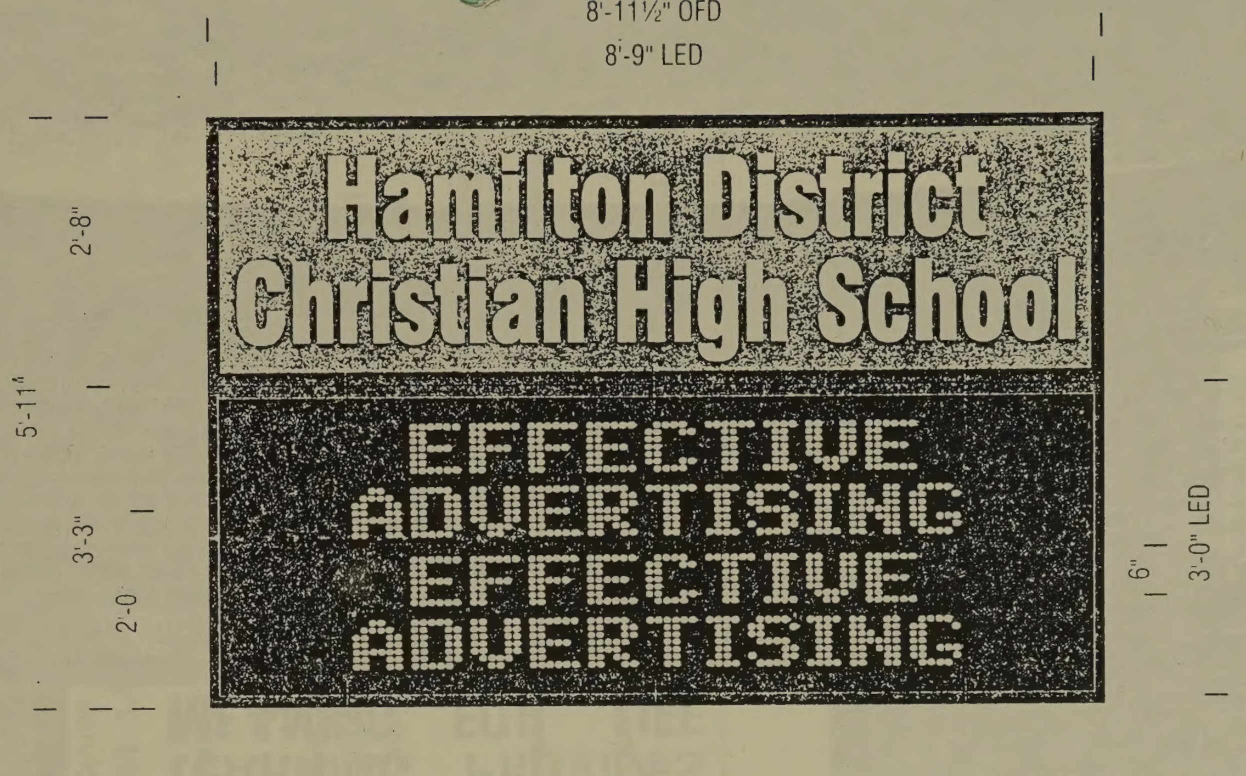
Filename/number
116 glancaster

Date
April 24, 2003

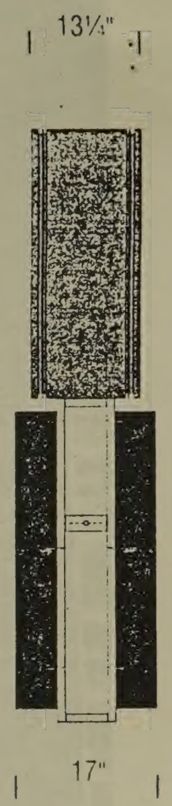
Technician:
CL

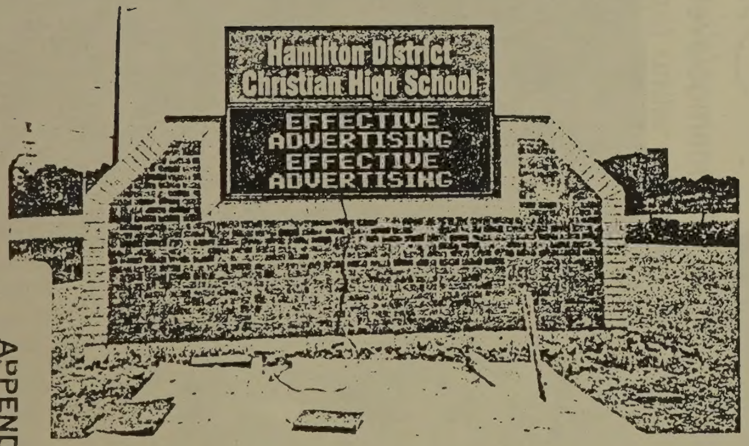
Map Not to Scale

Appendix "A"


8'-11½" OFD
8'-9" LED
Hamilton District
Christian High School
EFFECTIVE
ADVERTISING
EFFECTIVE
ADVERTISING
2'-8"
5'-11"
3'-3"
2'-0
6"
3'-0" LED

Appendix "B" to Report PD03134




Hamilton District
Christian High School
EFFECTIVE
ADVERTISING
EFFECTIVE
ADVERTISING

APPENDIX "B"

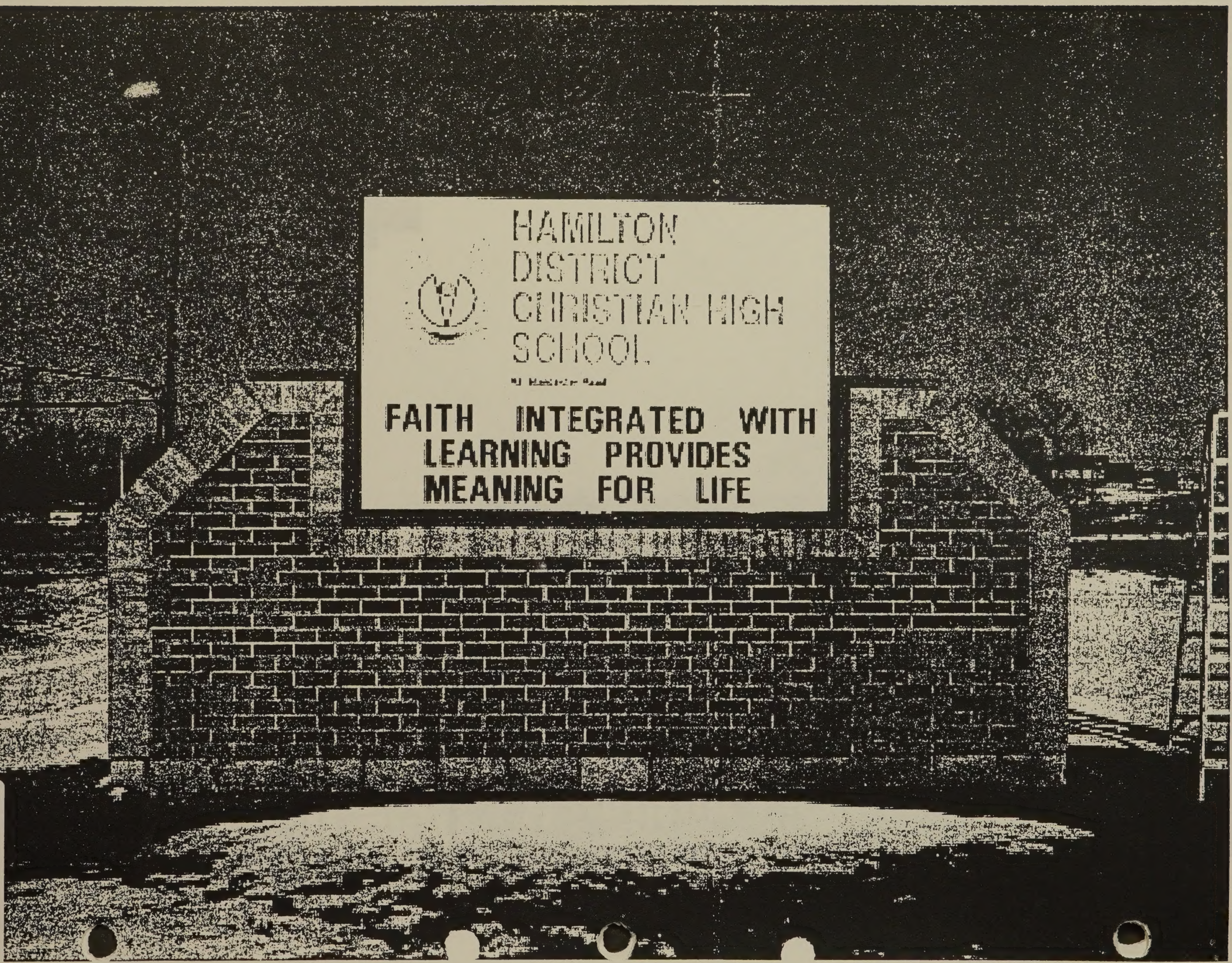
Client HDCH
Address

Dwg No HDCH.cdr
Designer Dragos Rotund
Sales Fred Bornink

Date March 24 2003
Rev. March 31 2003
Rev. April 3 2003

☐ CONCEPTUAL ☐ SHOP READY
Scale: ½" = 1' Page: 2 of 4

www.zipsigns.com
5040 North Service Rd. Burlingt
Ph. 905-332-8332 Fax 905-33


HAMILTON
DISTRICT
CHRISTIAN HIGH
SCHOOL
FAITH INTEGRATED WITH
LEARNING PROVIDES
MEANING FOR LIFE

APPENDIX "C"

AFFECTS
WARD 15

CITY OF HAMILTON

4.5

PLANNING AND DEVELOPMENT DEPARTMENT
Development Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	May 15, 2003	**Prepared by:**	P. Strong
File:	25T-89040 25T-96004 25T-96005		905-546-2435

SUBJECT: Request for the Assumption of Public Services, Rockview Summit, Waterdown Mills, Phase 1 and Waterdown Mills, Phase 2 (PD03130) (Ward 15)

RECOMMENDATION:

a) That Council authorize and direct the City Clerk to prepare the necessary By-laws for the assumption of the public services constructed in the Rockview Summit, Waterdown Mills, Phase 1 and Waterdown Mills, Phase 2 Subdivisions, in the former Town of Flamborough;

b) That the By-laws be registered in the Registry Office;

c) That Council authorize the City's Manager of Development Engineering to approve all future assumption of services constructed under all former Town of Flamborough Subdivision Agreements once the maintenance period is over and the services are satisfactorily complete.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The assumption of services within these Flamborough subdivisions relieves the developer from any further work required to maintain the services. The City of Hamilton will be responsible for all future maintenance of the Municipal services.

BACKGROUND:

The Town of Flamborough entered into various subdivision agreements with Rockview Heights Inc. to develop three subdivisions. The Department has received a request from Rockview Heights Inc., for the City to now assume these subdivision services.

Review of the files indicates that all works within the subdivisions have been substantially completed. The maintenance period was initiated and has also now been completed for all three subdivisions. In accordance with the former Town's practice, it is noted that assumption is subject to identification of minor deficiencies. The City will retain sufficient securities to guarantee that the work is completed to satisfaction of the City's Manager of Development Engineering.

Development Engineering staff has inspected the public services and found the work to be satisfactory and in compliance with all three Town of Flamborough subdivision agreements except for minor deficiencies such as a street tree adjacent to one home, incomplete video inspection for a portion of the storm sewers and a repair to a storm sewer located in the boulevard within Rockview Heights Subdivision.

It is the current practice in all other areas of the City that the Manager of Development Engineering has the authority to authorize assumption of all Municipal services, underground and above, for all new development once the maintenance period has expired and all deficiencies have been repaired.

ANALYSIS OF ALTERNATIVES:

Under the subdivision agreements between the former Town of Flamborough and the developer, the former Town of Flamborough required the developer to maintain the Municipal services until such time as the Town Council was satisfied. If the City did not approve the recommendations, the developer may seek legal action against the City as to the subdivision agreement provisions have been met.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – The City of Hamilton will now be responsible for all future maintenance costs.

Staffing – No additional staffing implications identified.

Legal – Staff time will be required in process the required By-law recommended in this Report.

POLICIES AFFECTING PROPOSAL:

The current policy for the Former Town Flamborough has been adhered to. It is being recommended to Committee and Council that with all future requests, that the assumption of services under the former Town of Flamborough subdivision agreements be approved by the Manager of Development Engineering.

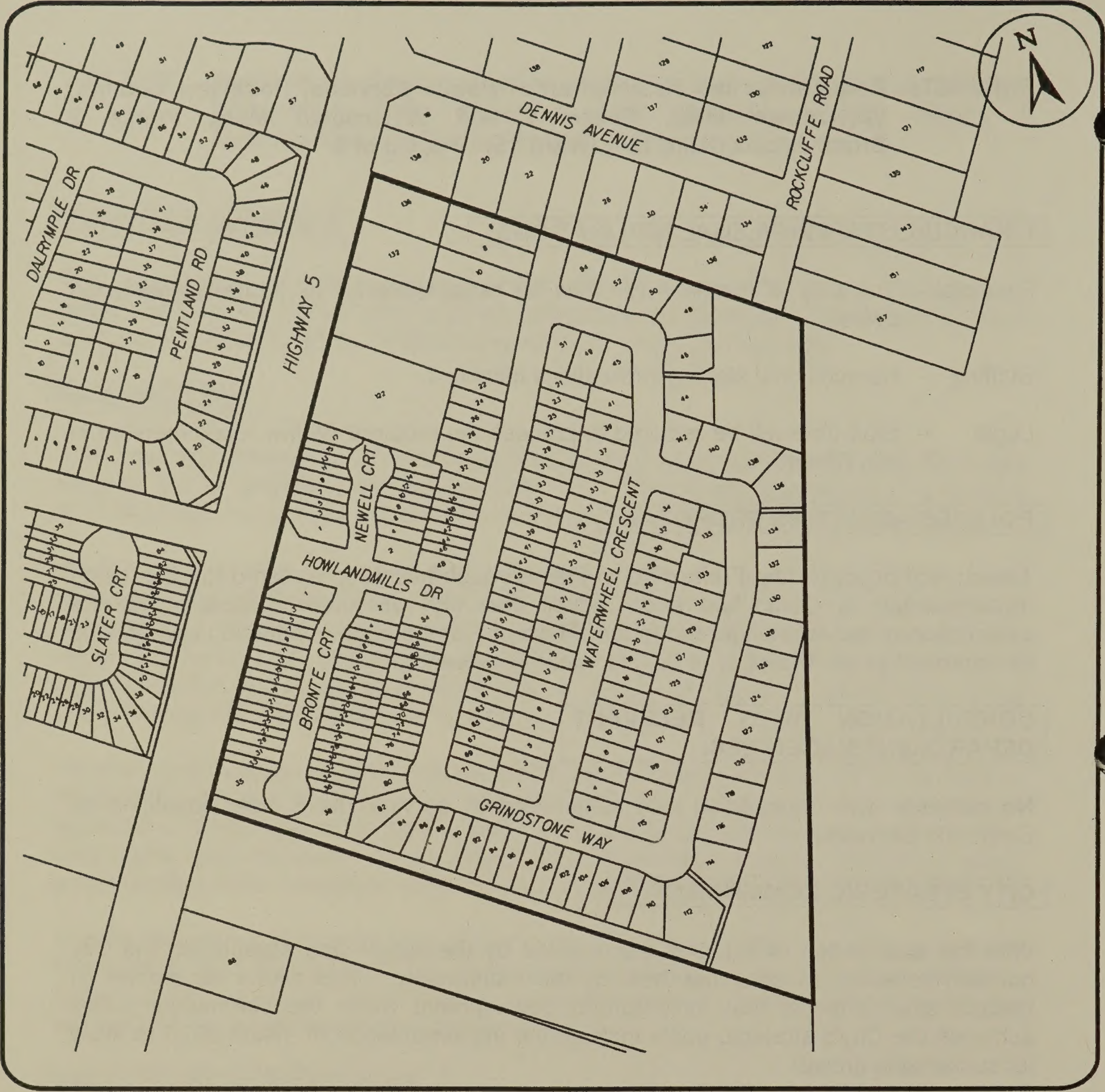
CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

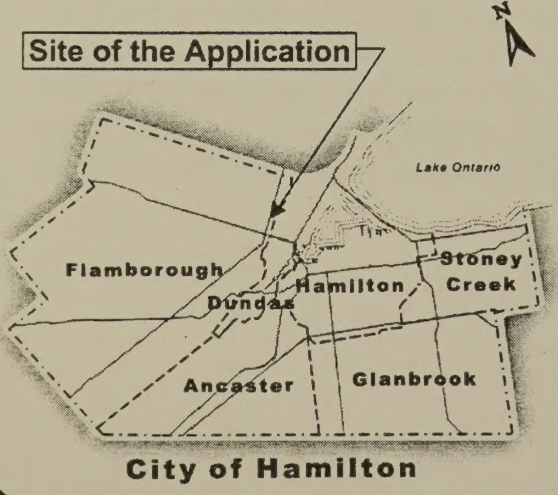
No concerns with proceeding with assumption of services have been identified by Corporate Services.

CITY STRATEGIC COMMITMENT:

With the assumption of services, as required by the subdivision agreement, the City normally releases all securities held by the municipality. This allows developers to finance other projects that have further development within the community. This achieves the City's strategic goals through the implementation of Vision 2020 to allow for sustainable growth.

:PS
Attach. (1)


N
DALRYMPLE DR
PENTLAND RD
HIGHWAY 5
DENNIS AVENUE
ROCKCLIFFE ROAD
NEWELL CRT
HOWLANDMILLS DR
WATERWHEEL CRESCENT
SLATER CRT
BRONTE CRT
GRINDSTONE WAY


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

CITY OF HAMILTON
PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▭ **Subject Property**
Rockview Summit

Filename/number
62M-775

Date
September 20, 2002

Technician:
NM

Map Not to Scale

Appendix "A"

CITY WIDE
IMPLICATIONS

CITY OF HAMILTON

4.6

PUBLIC HEALTH & COMMUNITY SERVICES DEPARTMENT
Parent & Child Branch

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joe-Anne Priel, General Manager
Date:	May 16, 2003	**Prepared by:**	Rebecca Barrows-Vrankulj 546-4888

SUBJECT: Status of the Homemakers and Nurses Services Program Termination (HCS03012) (City Wide)

RECOMMENDATION:

That report number HCS03012 on the Status of the Homemakers and Nurses Services Program Termination be accepted for information.

J Priel

Joe-Anne Priel,
General Manager

EXECUTIVE SUMMARY:

In the 2003 budget deliberations the City of Hamilton faced some very difficult decisions as part of the departmental budget recommendations. The Public Health and Community Services budget represents nearly 25 percent of the City budget and as such, it was essential to put forward recommendations that would contribute to the corporate reduction target. Given that discretionary program areas were identified as a key priority for reduction, the Homemakers and Nurses Services program was put forward as a potential program reduction in the Public Health and Community Services proposed 2003 budget.

On January 23, 2003, Council convened to review and make recommendations on the submitted Public Health and Community Services Budget. Council approved the Homemakers and Nurses Services program reduction with January 1, 2004 as the target date for termination as follows:

(a) That the City's Homemaking Services Program in the amount of $313,470 net would be reinstated for one year.
(b) That the program would be funded from the unallocated hydro monies.
(c) That the referrals from CCAC be capped.

Staff was directed to develop a communication strategy to advise the community (clients/families) that this was a temporary measure for 2003 and that the program would be terminated by January 2004. Staff have implemented a communication strategy that has included MOHLTC representatives, CCAC, contracted agencies, referral sources and clients. Also referrals were capped in February 2003 and no new clients have been admitted to the program. All existing clients will continue to receive service until December 31, 2003.

Next steps:

- Staff will continue to work with the Ministry of Health and Long Term Care (MOHLTC) around possible transfer of cases to the local Community Care Access Centre (CCAC).
- Staff will provide an update report to Council in September outlining termination status and identified impacts.
- Staff will provide the required 60 days notification to the 6 contracted service providers for the termination of the Purchase of Service Agreements. Program recipients will also receive 60 days notice.

BACKGROUND:

Program Description and Need

The information contained within this report has City-wide implications.

The City of Hamilton has provided subsidized homemaking services in accordance with the Homemakers and Nurses Services Act for over 25 years. This discretionary program, which is cost shared 80% Provincial 20% Municipal, provides service for eligible clients through Purchase of Service Agreements with six local community agencies.

Community Care Access Centres (CCACs), established across the province by the Ministry of Health and Long-Term Care (MOHLTC) in the late 1990s, were intended to be community-based points of entry to community health care and support services. These new agencies (funded 100% Provincially) were also given the responsibility to co-ordinate the provision of in-home nursing, homemaking and personal support services. The Hamilton CCAC was established in 1997.

In December of 1999, the Hamilton CCAC began to apply the criteria for admission to its homemaking program in a more flexible manner. As a result, many City of Hamilton Homemakers Services clients became eligible to receive homemaking services via the CCAC. Following discussions with the Province and the Hamilton CCAC, and approval from Council (SOC99082A), staff moved forward with a plan to upload the Homemakers and Nurses Services program to the Province. Subsequent to this decision, the CCAC indicated that it was unable to accommodate the City's request to transfer its existing caseload of clients without an infusion of Provincial funding. It should be noted, however, that intake of new referrals to the City's program dropped dramatically with the implementation of the expanded CCAC criteria. As a result, the City's total caseload was reduced significantly between 2000 and 2001.

In October 2001, the Hamilton CCAC returned to strictly enforcing its original eligibility criteria for homemaking after the Province required all CCAC's to operate within a balanced budget. For example, clients who either manage their own personal care or have assistance from family members but require homemaking services, are no longer eligible for service through the CCAC. This change had a direct impact on the City's Homemakers Program. New referrals for service increased exponentially. By 2001 the program had a caseload of 394 clients and intake of new clients had decreased to a total of 14 for the entire year. Between April and December 2002, the caseload grew to supporting 432 clients of services. The current program budget and existing program staff complement would be unable to support this continued rate of growth in 2003. Since the Province has indicated that the Homemakers budget is provincially capped any increases to the budget for 2003 beyond this amount, would not be cost shared, and therefore would have a 100% net levy impact.

The City of Hamilton Homemakers and Nurses Services Program enables clients to live independently in the community. In order to be eligible for this City of Hamilton program, the client must be referred by a community professional, be unable to complete the homemaking task, and be financially eligible. Financial eligibility, based on the Homemakers and Nurses Services Act, is determined through the completion of a financial needs test that examines income versus allowable expenses and liquid assets.

The Homemakers program is a long-term program. Termination of service is usually due to death, hospitalization, or relocation to live with extended family or into a long-term care facility. Clients also transfer from time to time to the CCAC program due to deterioration of their health and/or change to the level of support provided by family members. A profile of the current caseload was recently completed in order to ascertain the caseload composition. The profile indicates that clients are primarily older chronically disabled females, with multiple health issues, living alone in rent geared to income accommodation. The average net monthly income of clients is $1,000-$1,200 per month. Provision of this support can contribute to the prevention of premature hospitalization, institutionalization, and homelessness, therefore reducing costs to the community over time.

Demand for subsidized homemaking services is anticipated to grow in Hamilton due to our shifting demographics and high poverty rates. Older adults (ages 65 years and older) represent a growing proportion of the population of Hamilton; from 9% in 1971 to 14% in 1996 to a projected 22% in 2028. According to the 1996 Census, 21% of Hamilton residents aged 65 to 74 years old and 32% of residents aged 75 or older lived below the low income cut off. In Hamilton, females over the age of 75 are more at risk of living in poverty as compared to females of the same age in Ontario and Canada.

ANALYSIS OF ALTERNATIVES:

The Homemakers and Nurses Services Program currently provides supports to 438 citizens of Hamilton. Staff continues to work in collaboration with the MOHLTC, CCAC and service providers to discuss and plan for the termination of the program by December 31, 2003. Referrals were capped in February 2003 and no new clients have been admitted to the program. All individuals receiving service prior to this cap will not be impacted and their homemaking supports will continue for the remainder of 2003.

A joint case review with the local CCAC is underway to determine how many clients supported by the City's Homemaking program will continue service through CCAC and how many will be left without any service based on CCAC's eligibility criteria. Staff are making every effort to minimize service impact to the clients but there is a concern that some at risk individuals will lose their ability to live independently.

Although staff have implemented a communication strategy where agencies, MOHLTC, CCAC and referring agents have been advised of the up coming termination, clients of service have yet to be notified. Once negotiations with the MOHLTC and CCAC are completed, staff will have the appropriate information to deliver to this client group. It is felt that any information prior to these negotiations would be premature and cause undue hardship.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial

The current budget for the homemaking portion of the Homemakers and Nurses Services Program is $1,645,000. Of this budget, $1.6 million is allocated for direct Purchase of Service Contracts with agencies, and $45,000 is allocated for program administration. The budget is cost shared with the Ministry of Health and Long-Term Care on an 80/20 basis ($1,316,000 provincial and $329,000 municipal).

Staffing

The 2002 homemaking services portion of the Homemakers and Nurses Services Program budget was developed based on 2001 actuals. As a result, the current 1.0 FTE staff complement can not keep up with an increased intake demand.

Legal Implications

Currently the City purchases homemaking services from 6 agencies through Purchase of Service Contracts. As per the current contract, termination can occur without cause by giving (60) days prior written notice to the agency.
All clients will be given 60 days prior notice to provide support for this transition.

POLICIES AFFECTING PROPOSAL:

The City of Hamilton's Homemakers and Nurses Services Program legislated under the Homemakers and Nurses Services Act is a discretionary program targeted to financially eligible residents in need of basic homemaking services.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Legal Services was consulted in the preparation of this report. The current Purchase of Service Agreement as well as the Homemakers and Nurses Service Act were reviewed.

Staff have been, and will continue to keep, in close contact with the Ministry of Health and Long-Term Care and the Hamilton CCAC to keep them apprised of this situation.

CITY STRATEGIC COMMITMENT:

The Homemakers and Nurses Services Program supports the Mission, Vision, Values and Goals of the City of Hamilton. Specifically a) the Value of Compassion in that Council is "sensitive to meet the requirements of all residents with special needs and interests, and those less fortunate", b) the goal of being a great city in which to live and, c) the goal of seeking to work with other levels of government and the community to ensure that people in need are supported and cared for.

SECTION 5

SECTION 6

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

CITY MANAGER'S OFFICE

6.1

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Robert W. Robertson City Manager
Date:	May 15, 2003	**Prepared by:**	R. Robertson

SUBJECT: 2004 Business Plan and Budget (CM03018)

RECOMMENDATION:

1. That report CM03018 "2004 Business Plan and Budget" be adopted; and
2. That the 2004 Business Plan Budget Guidelines and Schedule be approved.

EXECUTIVE SUMMARY:

The development of the budget for a diverse, complicated organization takes time and energy. The use of a business plan framework as initiated during the last planning cycle can assist in the decision-making process. Without question, there remain difficult choices to be made to ensure that the organization is sustainable during a period of significant financial pressures.

The attached guidelines and time schedule will provide staff with the direction to initiate the 2004 business plan and budget process.

BACKGROUND:

Council has directed a series of reductions in the 2003 approved budgets. These reductions total more than $40M annually. Of course, these changes will be undertaken in year which will mean 100% of the savings are not achievable in year one. In general these reductions and the methodology being used to achieve these savings are as follows:

I. Staff Changes
Council directed that $3.0M in staff reductions be accomplished in 2003 and a further $1.0M in 2004. The principles to be used in achieving these reductions were previously distributed to Council. For the most part (but not exclusively) the changes will impact management and supervisory staff. To date, there have been some changes completed with a value of approximately $1.5M. These reductions are the responsibility of the City Manager and the remaining savings will be undertaken as expeditiously as possible.

II. Allocated Reductions
The 2003 budget directed a number of reductions totalling $26M that had been identified as impacting specific programs and services; and/or user fees. These changes are in the process of being undertaken by staff as directed.

III. Unallocated Reductions
Council directed a number of general reductions totalling over $11M. Staff will undertake these changes as expeditiously as possible. In the event that there will be service level changes that are required to achieve these reductions staff will provide Council with the information and potential impact prior to enacting the change.

The foregoing provides an overview of the current 2003 budget implementation issues and the methodology being employed to address these issues.

In terms of the 2004 fiscal year staff has provided a preliminary assessment of budget pressures totalling approximately $45M. Briefly, these pressures result from salary and wages, pensions (OMERS), general inflationary items such as employee benefits, capital budget, completing phase-in of 2003 budget measures and other program and service pressures. As Council will recall, these items are specific to the 2004/2005 Budget Outlook discussed at the Council Strategic Session of April 29, 2003. To address these pressures it would, in staff's view, be useful to continue to use the business plan framework to assist in the development of the decision packages. A schedule (Appendix A) and guidelines (Appendix B) are attached for Council consideration. Council has identified a requirement to have additional and earlier input with respect to the use of the reduction (minus 10%) scenarios.

Although somewhat contentious these reduction scenarios are critical elements of the business plan process as they challenge all areas to assume only 90% funding. This guideline should be seen simply as a planning tool. It is only one of a series of important guidelines all of which should be used to balance financial, social and environmental priorities of the City. For clarity, reduction scenarios will attempt to characterize municipal services and programs along a continuum from core services to non-core services within the framework of the Council adopted Corporate Strategic Plan (Appendix C).

The extent of the fiscal pressures associated with the 2004 budget makes the development of the reduction packages an important exercise; and, as directed, Council will be involved in a more timely and effective manner. Specifically, a range of scenarios will be developed along the lines outlined previously for discussion/direction of Council or ad hoc committees of Council in advance of the business plan/budget.

Based on the direction of the Mayor and Council on this issue an earlier full discussion of the reduction scenarios under consideration will be developed.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

To meet Council's budget delivery schedule staff are preparing to start the 2004 business plan and budget process in the very near future. The proposed work schedule is attached.

POLICIES AFFECTING PROPOSAL:

NA

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The report and recommendation have been reviewed and approved by the Corporate Management Team.

CITY STRATEGIC COMMITMENT:

This report speaks to the City's strategic commitment to sound fiscal planning.

June 2003	Council approves 2004 Operating Guidelines for development of business plans and budgets.
July, August, September 2003	Staff prepares budgets. Ongoing consultation with Council as issues develop around 2003 performance, guidelines, etc.
October 2003	Corporate Management Team review of business plans and budgets.
November 2003	Revisions and printing.
Late November/early December 2003	Distribution of draft business plans and budgets.
December 2003	Council orientation – including overview of 2004 economic outlook and overview of 2004 draft business plans and budget.
Mid-January 2004	Council deliberation of business plans and budgets.
Late February 2004	Council approval of 2004 Operating and Capital Budgets and Business Plans.

2004 Business Plan Budget Guidelines

The City should pursue a pay-as-you-go philosophy for capital business tax reduction programs to be contained in 2004 budgets. In order for business units to work towards consistent corporate objectives in the preparation of business plans and budgets Council established budget guidelines should be prepared and adopted by Council. For 2004, business plans the guidelines suggested are:

1. Align business plans and budgets to Corporate Strategic Plan and that HECFI, the Library Board, the Police Services Board, and the Hamilton Conservation Authority be requested to do the same.

2. Property Tax Levy - maximum general tax levy increase of 4.0% for all City departments, boards, and agencies with a further 1.5% to be dedicated to the City's Capital Financing Levy (Total 5.5%).

3. a) Budgets – include projections for 2005-2006 (operating and capital).

   b) Increase all user fees at a minimum by inflation (currently 4.0%)

4. Corporate Budget Public Consultation Plan to be developed and submitted to Council by July 2003.

5. Business Plans should include a 10% reduction scenario (for consideration) for all business units. What would be recommended for reduction if budget only funded to 90% of 2003 level?

6. Revenue - look for ways to increase revenue including advertising, promotions, and other partnerships

7. Services - ask ourselves:

   - what services do we provide?
   - who are the customers for this service?
   - are we in the right services?
   - do others deliver these services?
   - can we partner to deliver services better?

8. Identify and measure outputs/outcomes. What are the "success" measures of expenditures?

9. Identify key processes to consider process improvement intra departmental or inter departmental.

10. New programs/services must be contained in an "incremental package" supported by a business plan/business case.

11. Explore the use of IT as appropriate to consider improved service delivery.

12. Organizational structure – assess the organizational structure –is it appropriate to support the function /services being delivered?

13. External agencies which request Council funding should be encouraged to undertake a business plan process.

14. Progress on development of business plan framework (template) to be reported to Audit Committee regularly.

15. Corporate Perspective – ensure business plans promote a corporate agenda, consistent standards and techniques/tools for monitoring and evaluating corporate performance.

APPENDIX C

CITY OF HAMILTON

Our Vision

The City of Hamilton's vision is the shaping force for all of its policies, actions, behaviours and services. It states:

The City of Hamilton is a safe, healthy, sustainable community and a great place in which to work, live and play, that offers residents and businesses growth and opportunity.

It is a city of diverse communities, led by Council, which together with staff, spends wisely and governs in an open and accessible manner.

Our Mission

The mission of Council and staff is to work together to create and implement strategies necessary to turn the vision into reality.

Our Values

The vision, mission and goals of the City of Hamilton will be guided by 10 core values.

Fiscal Accountability:
to increase the efficiency of our city government through fiscal responsibility and prudence.

Leadership:
in our thinking and in our actions; encouraging individual and team initiatives that exceed expectations, and advocating what we believe in.

Innovation:
to think broadly and long-term; to balance both city-wide and neighbourhood responsibilities; to do more with limited resources.

Integrity:
to demonstrate honesty and sincerity in all of our dealings, upholding only the highest ethical principles; to provide open and transparent communications to create informed opinion.

Respect:
for the needs of all residents, for all viewpoints, and for the diversity of our community.

Compassion:
sensitivity to, and meeting the requirements of all residents with special needs and interests, and those less fortunate.

Commitment:
to fulfilling the vision and goals of the City.

Teamwork:
working in full cooperation and a spirit of collegiality with staff, Council, residents, businesses and external partners.

Sustainability:
to contribute to a balanced community, economy and environment; to minimize the footprint of our activities and to do no harm.

Excellence:
in our service delivery, through a quality workforce; and to show pride in our efforts and the community in which we live and work.

STRATEGIC PLAN

Our Goals

Our strategic plan shows how we want to build a city that works. We want Hamilton to be:

1. A City of Growth and Opportunity

To secure a future of growth and opportunity for the City of Hamilton, Council commits to focus all available resources on economic development. Specifically:

) Lower Commercial & Industrial Taxes

Council will lower commercial and industrial taxes such that the city's tax ratios will re [illegible] vincial thresholds in 3 years.

) Investment in Infrastructure

Council will pursue investment in strategic infrastructure necessary to attract and maintain business.

) Developing Partnerships for Hamilton with Other Levels of Government

Council will urge its government partners to take the steps necessary to support the City in its efforts.

) Attracting and Retaining Business

Council will explore the best methods and quantity of resources necessary to attract and retain business.

) City-wide and Balanced Investment

Council will pursue initiatives at the airport, waterfront, and downtown areas to ensure the benefits of economic development are felt city-wide.

) Keeping Hamilton Connected

Council will look beyond the borders of Hamilton to ensure that it is connected to the regional economies of Niagara, Western New York and the GTA.

2. A Great City in Which to Live

To ensure that Hamilton remains a great city, Council commits to providing quality services that residents can rely on and to support the community's quality of life.

a) Providing Quality Community Services

Council will work to provide quality community services, honouring community identity and varying needs and circumstances.

b) Supporting People in Need, with Care

Council will seek to work with other levels of government and the community to ensure that people in need are supported and cared for.

c) Putting Our Best Face Forward

Council will commit to working with the community to heighten awareness that littering and graffiti hurt our efforts to be a great city.

d) Walk this Way – A City of Trails

Council will partner with the Hamilton Conservation Authority and other community agencies to integrate and promote a city-wide trail system.

e) Young Hamiltonians are Part of Being Great

Council will commit to building a new city that makes a place for its best and brightest – our children and grandchildren; young people need to feel that they have a role in making our city great.

f) VISION 2020 – A Sustainable City

Council is committed to VISION 2020 and will partner with ACTION 2020 in the implementation of its strategies.

g) Arts & Culture

Council is committed to promoting the development of arts, culture and heritage throughout the city.

Hamilton

Our Goals
Continued

3. A Healthy, Safe and Green City

To ensure the quality of life of Hamilton residents, Council commits to work with our government partners to improve our natural environment, the safety of our community, and the health of our residents.

a) Meeting Our Statutory Health Obligations
Council will take steps to ensure that the public health department is adequately resourced to meet all statutory obligations.

b) Cleaning Up the Harbour
Council will work with government, the private sector, and the community to work to clean up the Harbour.

c) Investing in Safe Water for Today & Tomorrow
Council will commit to measures that will help ensure reliable and safe sources of drinking water.

d) Reducing Waste Going to Landfills
Council will commit to an aggressive waste diversion rate to increase the lifespan of our landfill and ultimately reduce costs, both financial and environmental, for taxpayers.

e) Leading the Way in Environmental Studies & Management
Council will work with government, academia, the community and private sector to study issues related to our natural environment, provide valuable advice and put forward action plans.

f) Public Safety for the Community, with the Community
Council will work for and with the community to improve the safety of all residents.

g) Improving Air Quality to Help Us Breathe
Council will work with government, community stakeholders and the private sector in the pursuit of strategies aimed at cleaning our air.

h) More Trees Please
Council will commit to supporting efforts to make our city green by pursuing an urban forestry strategy.

i) Municipal Housing Program
Develop and implement a municipal affordable housing program.

4. A City Where People Come First

To harness the energy of the citizens of the new City of Hamilton and to fulfill our obligation to be open and accessible, Council commits to communicate clearly and effectively with the public; provide full information about services, their costs and how well they meet clear performance targets.

a) Annual Reports on the State of the City
Council will publish an annual report detailing the performance of the City.

b) Itemized Tax Bills
Council will provide taxpayers with a clear account of how their money is being spent with an itemized property tax bill.

c) Benchmarks & Performance Measurement
Council will work with staff to develop a list of key performance indicators to track the progress of the City of Hamilton against objective benchmarks.

d) New Opportunities for Public Input & Volunteerism
Council will pursue new and innovative opportunities to enable more people to share their views and contributions to the City, Council and its services.

5. A City That Spends Wisely and Invests Strategically

To get the best value for taxpayer dollars, and to ensure that we have the financial resources available to invest in our economic development and other community priorities, Council commits to increase the efficiency of our city government.

a) Maintain Service Levels
Except where mandated by statutory obligation or to address priority infrastructure deficiencies, Council will maintain, but not increase, service levels until its economic development program is complete.

b) Best Practices – Best Value
Council will pursue best practices to lower the cost of government and ensure best value in service delivery. It is recognized that best value is not just a calculation of dollars: it also includes accountability, service quality, accessibility and other community priorities which must be taken into account as per Council policy.

c) Smart Amalgamation
Council will complete the amalgamation in a manner consistent with its commitment to maintaining service levels and seeking best value set out in (a) and (b), while honouring community identity.

6. A City of Choice for High Performance Public Servants

Council commits to value Hamilton civic employees and to work with the management team to create the conditions where all employees can excel in their service to the community.

a) Employer of Choice
Council will support the administration in its efforts to: provide employees with challenging, rewarding, enjoyable and fulfilling work, and;

assist staff in balancing work with home and personal commitments through supportive human resource policies and management approaches.

b) Learning Organization
Council will support the administration in its efforts to foster life-long learning and career development for staff.

c) Leadership
Council will support the administration in its efforts to develop leadership at all levels in the organization, and to capitalize on its leadership capabilities to cultivate organizational energy, enthusiasm, and a shared sense of purpose and direction.

d) Business and Service Excellence
Council will support the administration in its efforts to provide excellence in public service, to be achieved through an integrated approach to planning and performance management, optimal use of technology, well-trained staff, and effective management of change.

SECTION 7

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

7.1

CORPORATE SERVICES
FINANCIAL SERVICES DIVISION

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo, General Manager
Date:	April 16, 2003	**Prepared by:**	Barb Howe 905-540-5599 Tom Hewitson 905-546-4159

SUBJECT: Ontario Municipal Employees Retirement System (OMERS) Update on Phasing-in of Contributions - FCS03091 - (City Wide)

RECOMMENDATION:

That report FCS03091 "Ontario Municipal Employees Retirement System (OMERS) – Update on Phasing-in of Contributions" be received for information.

Joseph Rinaldo

Joseph L. Rinaldo, General Manager
Finance and Corporate Services

EXECUTIVE SUMMARY:

A full OMERS contribution holiday was in effect from August 1998 to December 2002. In response to the contribution holiday, Council had approved a combination of budget reductions and reserve transfers, equal to the employer share of OMERS contributions. Effective January 1, 2003, OMERS began phasing-in contributions at one-third of the pre-contribution holiday level, resulting in a 50% reduction in reserve transfers. OMERS has recently announced that they would be accelerating the reinstatement of full contributions to January 1, 2004, one year earlier than originally expected. Provided they receive provincial government approval, OMERS is proposing an increase to the full contribution rates by an additional 1.3%. This will result in an estimated 2004 current tax budget pressure of $6.5million (gross). The net impact is about $5.8 million; provided cost shared programs receive the required subsidies/recoveries. The impact to the rate budget is approximately $0.2 million for 2004.

The above-noted impact includes a $1.5 million pressure related to Police Services. A recent Police Services Board report indicates that they will phase-in this impact over three years by utilizing reserves generated by the OMERS holiday. Even with this mitigating measure, a $500,000 pressure will exist for 2004.

BACKGROUND:

On January 1, 1998, OMERS provided a contribution holiday to all participants in the OMERS plan. Previously, the contribution rates for employees with normal retirement age (NRA) of 65 were 6.0% & 7.5% and 7.0% & 8.5% for employees with NRA 60 (Police & Fire). The holiday reduced the required contribution rate for both employees and employers by one-third. Subsequently, commencing August 1, 1998, OMERS instituted a full contribution holiday. In response to these reductions, Council approved an equivalent reduction (one-third) of the amount budgeted annually for OMERS contributions and approved an annual transfer of the remainder (two-thirds) to the Tax Stabilization Reserve.

In 2002, OMERS announced a plan to phase-in contributions over a three-year period commencing in 2003 at one-third of the pre-contribution holiday level. This did not have a 2003 budget impact to City Services but reduced the transfer to reserves by 50%.

OMERS has recently announced that they will be accelerating their phase-in plan by reinstating full contributions for 2004, one-year earlier than previously expected. They are also seeking provincial government approval to increase the rates by an additional 1.3%.

ANALYSIS OF ALTERNATIVES:

NA

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Appendix 'A' to FCS03091 outlines the OMERS contribution levels and the estimated budget impact for each year. The phasing-in of the OMERS contribution rate at one-third of the full rate will not have a budget impact for 2003 since the City has continued to budget 2/3rds of the full contribution. However, OMERS' recent announcement to commence full contributions, including an increase of 1.3%, will have an estimated impact to the 2004 current budget of $6.5 million (gross) or $5.8 million (net). The estimated 2004 impact to the rate budget is $0.2 million.

POLICIES AFFECTING PROPOSAL:

The City's current policy of transferring OMERS contribution holiday savings to the tax levy reserve will cease in 2004.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Rates were provided through a Communiqué posted on OMERS' website on March 28, 2003.

CITY STRATEGIC COMMITMENT:

Since employees are required to make matching contributions, the reinstatement of full contributions will impact all employees participating in the OMERS plan. This information will be shared with employees so that they can prepare to budget for these contributions.

Appendix 'A' to Report FCS03091

BUDGETARY IMPACT
of
OMERS CONTRIBUTION LEVELS

Prior to January 1/98 (Pre-Contribution Holiday/Full Contribution Rates)

	Proposed Rates	
	Up to YMPE	Above YMPE
NRA 65	6.0%	7.5%
NRA 60	7.0%	8.5%

Year 2003:

	Rates		Estimated Budget Impact
	Up to YMPE	Above YMPE	
NRA 65	2.10%	2.60%	50% reduction in Transfer to Reserve
NRA 60	2.43%	2.93%	

Year 2004:

	Proposed Rates		Estimated Budget Impact
	Up to YMPE	Above YMPE	
NRA 65	6.00%	8.80%	• $6.5 million (gross) to current budget • $0.2 million to rate budget
NRA 60	7.30%	9.80%	

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

7.2

CORPORATE SERVICES DEPARTMENT
Legal Services Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by**:	Elaine Holt, Acting City Solicitor and Corporate Counsel
Date:	May 6, 2003	**Prepared by:**	E. Holt 905-546-4205

SUBJECT: Uncovered Crossovers on Highways LS030014 (City Wide)

RECOMMENDATION:

a) That this report be received as information.

b) That the Uncovered crossovers on highways item referred from Council on August 6, 2002 be identified as completed and removed from the Outstanding Business List.

Elaine Holt, Acting City Solicitor and Corporate Counsel
Corporate Services, Legal Services

EXECUTIVE SUMMARY:

Based on a review of the law, the historical media information and discussions with other municipalities, we are satisfied that the current designs in use, including the design utilized for the pedestrian only crossover over Highway 403, satisfy the safety concerns for both the pedestrian users and the vehicular traffic travelling beneath it. Accordingly, the City is not required to ensure that the pedestrian bridge is fully enclosed.

BACKGROUND:

This report has been brought back at the direction of council as a result of the construction of a pedestrian overpass that crosses over Highway 403. The issue was whether or not the City, which is responsible for the bridge, is required to have it fully enclosed in order to meet safety standards and avoid any allegations of negligence.

Risk Management requested statistical information on the incidents of safety, vandalism and mischief involving pedestrian only overpasses, and found the availability of such information to be limited. As a result the scope of the review was widened to include pedestrian use of vehicle overpasses as this use also involves the same risks of vandalism, safety and mischief. Requests to Hamilton Police Services, the Ministry of Transportation and to other municipalities failed to yield statistical information. Risk Management was able to determine that while this type of incident was of concern to other municipalities , the current overpass designs in use are considered to be satisfactory with respect to concerns for pedestrian and vehicular safety. A review of media reports of such incidents in Risk Management's archived records turned up three detailed incidents reported in the Hamilton Spectator involving City overpasses for the period commencing March 1998 to present. An additional news item from 1997 reported that there were "several" reports of rock throwing from "various" overpasses.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

After conducting a search of Canadian caselaw, only one case was located (British Columbia Supreme Court) that involved vandalism by persons throwing objects from a bridge onto vehicles passing below them. In that case there was no suggestion of any kind that the government that owned the overpass had any legal exposure whatsoever for the tortious and indeed potentially criminal acts of the defendants in that case. The court found the duty of care to lie with the defendants and that by throwing objects off the bridge into oncoming traffic, they had breached that duty of care. (The passenger in a vehicle was seriously injured in that case.)

It should be noted that in addition to the pedestrian crossover on Highway 403, there are over 250 overpasses owned by the City from which rock throwing could conceivably occur. This does not include the vehicular and pedestrian overpasses over the 403 which are the responsibility of the Province.

POLICIES AFFECTING PROPOSAL:

None.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Risk Management
Public Works

CITY STRATEGIC COMMITMENT:

The request for this report demonstrates the City's commitment to public safety, furthering of the vision and mission of making the City of Hamilton a safe, healthy, sustainable community.

SECTION 8

AFFECTS WARD 12

CITY OF HAMILTON

ECONOMIC DEVELOPMENT DEPARTMENT

8.1

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Neil Everson, Executive Director 905-546-2359
Date:	May 12, 2003	**Prepared by:**	V. DiPietro 905-628-2144

SUBJECT: **Sale of City Owned Property - Cormorant Road, Ancaster Industrial Park Phase IV, to 1340778 Ontario Inc. (ECO03011) (Effects Ward 12)**

RECOMMENDATION:

a) That an Offer to Purchase executed by 1340778 Ontario Inc. (Mr. Arie Koppelaar) on April 29, 2003 and scheduled to close on or before October 17, 2003 for the property known as part of Block 3, Plan 62M-921, composed of Parts 9, 11, 12, and 13 on Plan 62R-16265, having a frontage of 145.7 metres (478.2 feet) on the south side of Comorant Road, in the former Town of Ancaster, now in the City of Hamilton, being part of PIN number 17411-0233LT, comprising an area of 1.48 hectares (3.67 acres), subject to a drainage easement to be retained in favour of the City of Hamilton over Part 9 on Plan 62R-16265, and subject to easements to be conveyed by the City of Hamilton, prior to closing, to Hydro One Networks Inc. for hydro services over Parts 11 and 12 on Plan 62R-16265, be approved and completed and that the funds derived from this sale of $271,580, be credited to account HAMTN 47702-3629007054 (Ancaster Industrial Park Phase 4 – Land Sales).

b) That the General Manager of Finance hold the deposit cheque in the amount of $27,158 pending the closing of this transaction.

c) The sale price does not include the Goods and Service Tax, should GST be applicable and collected by the City of Hamilton, the GST amount will be credited to Account 22835009000 (GST Payable).

d) Upon successful completion of the sale, a real estate commission of $16,294.80 plus GST (6% of the $271,580 sale price) be paid to Blair, Blanchard, Stapleton, Commercial Realtors Ltd. (Sale Representative Drew Blair) who acted in this matter.

e) That the Mayor and Municipal Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:

i) The former Regional Municipality of Hamilton-Wentworth passed By-Law R95-0052 on May 16, 1995. It is a procedural By-Law for the purposes of the sale or other disposition of real property and was in force on the date of the sale or disposition of the property described above.

ii) The property was declared surplus under Resolution approving Item 4 of the Finance Committee Report 6-95 of the former Regional Municipality on May 16, 1995.

iii) The property sale or disposition is exempt from the requirements to obtain an appraisal of its fair market value under Sub-section 193(4) of the Municipal Act.

iv) Public notice of the intent to sell or dispose of the property was given by the listing of the property with a real estate broker.

Neil Everson, Executive Director
Economic Development Department

EXECUTIVE SUMMARY:

This report is to provide direction to staff to confirm the transaction with 1340778 Ontario Inc. for the sale of industrial lands on Cormorant Road, as stipulated in the Offer to Purchase.

BACKGROUND:

The information/recommendations contained within this report have City-wide implications but primarily affects Ward 12.

The City of Hamilton received an Offer to Purchase from 1340778 Ontario Inc. through the City's Ancaster Industrial Park listing broker Blair, Blanchard, Stapleton in the amount of $271,580 for this 1.48 hectares (3.67 acres) parcel of industrial land in Ancaster Industrial Park Phase IV. As a condition of the sale the company will be required to construct at minimum 10,000 square feet of industrial space on the subject lands. As a covenant of the sale, construction of the building is required to commence by October 17, 2004 and be completed by October 17, 2005.

The principals of the purchasing company 1340778 Ontario Inc. are local developers and contractors with a number of industrial holdings in the former Town of Ancaster and other areas of greater Hamilton. The company plans to construct the minimum square footage of 10,000 square feet in the first phase of the development but the ultimate building size is expect to be larger than 40,000 square feet. It is expected that the initial construction will bring 8 to 10 new jobs in the park.

The price offered of $74,000 per acre is typical of other Offers that the City has recently accepted in this Industrial Park. With a building of 10,000 the minimum building/lot coverage ratio of 6.25% is below what is typical of other Offers that the City has accepted in the past but should the development reach the suggested size of 40,000 square feet, then the typical coverage ratio will be surpassed. At the minimum industrial building size the property would generate in excess of $50,000 in property taxes annually.

The City of Hamilton will be retaining an easement over Part 9 on Plan 62R-16265 for drainage purposes and easements over Parts 11 and 12 on Plan 62R-16265 for transfer to Hydro One Networks Inc., prior to the closing of the sale to 1340778 Ontario Inc.

ANALYSIS OF ALTERNATIVES:

Should this recommendation not be approved staff will request our real estate broker to attempt to renegotiate the terms of the existing offer or re-list the subject land to obtain another more acceptable offer.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial:	If this recommendation is approved, staff will take the necessary steps to close on the sale of the subject lands.
Staffing:	n/a.
Legal Implications:	Legal staff has reviewed the Offer to Purchase document and will complete the sale transaction.

POLICIES AFFECTING PROPOSAL:

The approval of this report will not alter or contravene established policies of the City of Hamilton.

For Council's information Item 21 of Report 01-029 of the Committee of the Whole approved by City Council on September 18, 2001 approving the Consolidation of Routine Real Estate Matters delegates the authority to approve the disposition of lands to the General Manager of the relevant department for transactions up to $60,000 and to the City Manager for transactions up to $150,000.

As the subject sale price of $271,158 exceeds the limits as set out above, City Council's approval is therefore required for this disposition.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Staff from Economic Development, Survey and Real Estate sections were involved in the marketing and negotiations for the sale of these lands in the Ancaster Industrial Park.

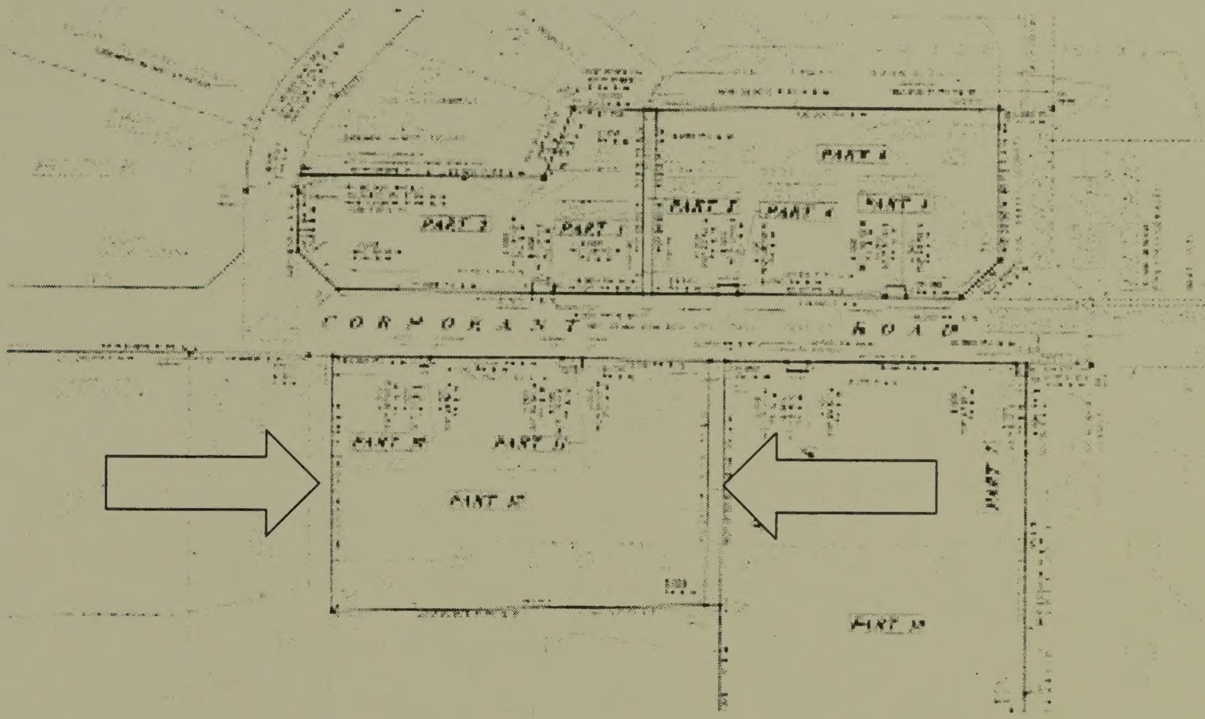
CITY STRATEGIC COMMITMENT:

This report is consistent with various Vision 2020 goals.

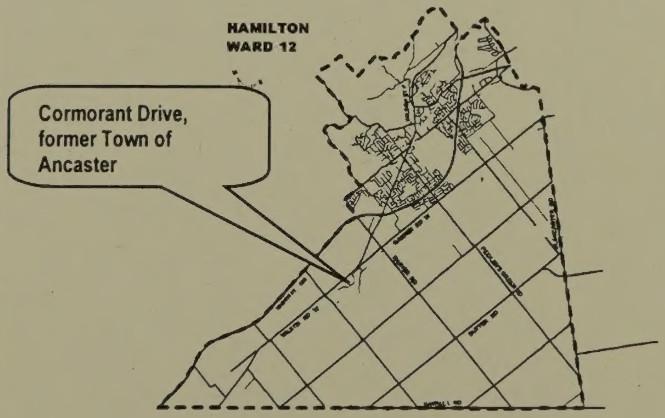
The sale and ultimate development of the subject lands will assist to strengthen the City of Hamilton's industrial property tax base, create new local permanent employment and provide construction jobs for the local area.

Attached: 1 location plan

c.c.
Councillor M. Ferguson, Ward 12, Councillor's Office
Elaine Holt, Acting Corporate Counsel, Legal Services Section
Attention: H. Vastis, Assistant Corporate Counsel ***(Acceptance Letter to be Completed)***
R. Male, Director of Accounting and Purchasing, Finance Department
G. McGuire, Manager of Surveys, Roads Division, Public Works
Attention: Dave Lamont, Project Manager, Surveys
Kevin Christenson, City Clerk
Attention: Lisa Barroso, Information Management / Records Co-ordinator


CORMORANT ROAD
PART 1
PART 2
PART 3
PART 4
PART 5
PART 6

KEY MAP


HAMILTON WARD 12
Cormorant Drive, former Town of Ancaster

LOCATION PLAN

Ancaster Industrial Park Phase IV
Parts 9, 11, 12, 13 on Plan 62R-16265
Cormorant Drive
Former Town of Ancaster

Economic Development Department
CITY OF HAMILTON

LEGEND

⇦

SUBJECT LAND

SCALE	DATE
NOT TO SCALE	**2003-05-15**

REFERENCE FILE NO: **2003-003**

SECTION 9

SECTION 10

SECTION 11

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

11.1

PLANNING AND DEVELOPMENT DEPARTMENT
Housing Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	May 15, 2003 MHFBL – Admin.	**Prepared by:**	Keith Extance 905-546-3745 Mark Mascarenhas 905-546-4604

SUBJECT: Municipal Housing Facility By-Law (MHFBL) (PD03122) (City Wide)

RECOMMENDATION:

That the "Municipal Housing Facility By-Law", marked as Appendix "A" to Report PD03122, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

At its meeting of April 10, 2002, Council approved in principle the establishment of a Municipal Housing Facility By-law and directed staff to prepare a by-law for Council approval.

Amendments to the Municipal Act in 2001 permitted municipalities to establish a Municipal Housing Facility By-law. This enables municipalities to be directly involved and/or fund developers of affordable housing without contravening the bonusing prohibitions of the Municipal Act. Since these amendments have taken effect, a number of municipalities including Waterloo, York, Ottawa and Toronto have enacted Municipal Housing Facility By-laws.

Council enactment of a Municipal Housing Facility By-law is also a Provincial prerequisite for participation in the Community Rental Housing Program. The recommendation in this report follows Council approval on February 26, 2003 through Report PD03037 to participate in the Community Rental Housing Program.

A second Council prerequisite for participation in the Community Rental Housing Program is that the tax ratio for the “New Multi-Residential” tax class be lowered from the current 1.250 to 1.000, which is the same “Residential” tax ratio. This requirement was addressed through Report FCS03087, “2003 Tax Policies & Ratios”, and was approved by Council on May 14th, 2003.

The foregoing municipal actions will contribute to private sector and community-led housing developers maximizing the $25,000 per unit Federal cash grant under the Community Rental Housing Program. Without these changes, the City of Hamilton will not be permitted to deliver the Community Rental Housing Program and the opportunity for private sector and community-led developers to access this funding will be eliminated.

The establishment of the “Municipal Housing Facility By-law” positions the City of Hamilton to facilitate the development of new affordable rental housing by private sector and community-led developers. This will be accomplished through the delivery of the Community Rental Housing Program and through proposals approved under the Hamilton Affordable Housing Partnership Initiative (HAHPI) Housing Partnership Fund.

BACKGROUND:

The Community Rental Housing Program:

On December 13, 2002, the Ontario Minister of Municipal Affairs and Housing announced allocations of housing units in Ontario under the Community Rental Housing Program (CHRP) component of the new Federal/Provincial Affordable Housing Initiative. In the first phase of the Program, the City of Hamilton has been allocated 200 units.

The role of the City of Hamilton is to deliver and administer the Program within a framework prescribed by the Province in a “Ministry of Municipal Affairs and Housing – Service Manager Administration Agreement”, which was addressed through Report PD03037 and approved by Council on February 26, 2003. The Province will provide an administration fee of 3.27% of the total value of the Federal capital grants for the City to deliver and administer the program.

On February 19, 2003, Housing Division staff held an Information Session on the Community Rental Housing Program at the Hamilton Convention Centre with over 50 private sector developers and investors and community-led housing providers in attendance. There is significant interest on the part of private and community-led housing developers in Hamilton who want to avail themselves of the Program cash grants.

The capital funding provided for the creation of the initial 200 units and the total of approximately 700 units over four years means not only much needed new rental housing but also construction and spin-off jobs, private and social profit for the community, and neighbourhood renewal and revitalization.

The municipal delivery role includes conducting tender calls, selecting projects, co-ordinating other funding, and monitoring long-term affordability, as well as administering the financial agreements with developers over their life.

Funding will be allocated through competitive tender calls, under a "two envelope" process. First, proposals will be screened on whether they meet mandatory Provincial and Municipal requirements - essentially a pass/fail test or ranking by the municipality. Second, proposals will compete for funding, with priority given to those needing the least Federal funding per unit. The City will be required to establish Tender Opening and Evaluation Committees prior to the closing of the tender call.

Prior to the City of Hamilton issuing the tender call, Council must address two program requirements:

1) Establishment of a "Municipal Housing Facility By-Law" that would allow the municipality to offer various municipal concessions/incentives to private sector and community-led housing developers; and,

2) Adjusting the tax ratio of the current "New Multi-Residential" property tax class to the same ratio of the "Residential" property tax class. This requirement was addressed through Report FCS03087 and approved by Council on May 14, 2003 where the "New Multi Residential" property tax class ratio was lowered from 1.250 to 1.000.

   A property in the New Multi-Residential tax class assessed at $200,000 would save approximately $5,500 in municipal property taxes per year compared to the 2001 rates.

Municipal Housing Facility By-law:

Origin

On April 10, 2002, through Report PD02001 City Council approved a recommendation that endorsed the establishment of a "Municipal Housing Facility By-law" and that Housing Division staff report back to Council with an appropriate by-law.

What is a Municipal Housing Facility By-law?

A Municipal Housing Facility By-law (MHFBL) is a tool made available under the Municipal Act that municipalities can utilize to stimulate the production of new affordable rental and/or ownership housing.

Municipalities may offer incentives or concessions to private sector and community-led non-profit corporations for affordable housing construction. These incentives or concessions can include:

- Property tax exemptions;
- Low interest loans or grants;
- Giving, selling or leasing land at less than market value;
- Guaranteed borrowing;
- Services of municipal employees; and,
- Full or partial exemption from municipal development charges.

Changes to a Municipal Act regulation in 2001 (O.R. 189/01) allowed housing to be designated as a "municipal capital facility". This existing entitlement was also carried through into the new Municipal Act. This specific category of municipal capital facility is called "municipal housing project facilities."

Why is it important to have a Municipal Housing Facility By-law to promote new affordable housing construction?

Very simply, within the context of the rental housing marketplace, there has been little or no new supply of rental housing in the City of Hamilton since the mid-1990s. The gap between the "economic" or break-even monthly rent and actual market rent that could be achieved is wide. This gap continues in spite of a continuing strong demand for new rental units in the City of Hamilton, 770 on an average annual basis to the year 2021. Through the use of this By-law tool, the gap will be reduced making new rental housing construction a more viable proposition and provide lower monthly rents than would otherwise be realized.

In addition, without the establishment of the MHFBL the City of Hamilton would not be permitted to participate in the delivery of the Community Rental Housing Program. As a result, approximately $17,500,000 in Federal cash grants that would be taken up by private sector and community-led housing providers in our community would be re-allocated to other municipalities.

How can the municipality take advantage of these provisions?

As a first step, Council must pass a general or broad enabling "Municipal Housing Facility By-law", which is attached as Appendix "A" to this report. With this in place, the municipality then has the legal authority to enter into specific legal agreements with private sector and community-led developers to create new affordable housing.

These agreements are known as "Municipal Housing Project Facilities Agreements" and must conform to the provisions and requirements of the original Municipal Housing Facility By-law and must be approved by Council.

In addition, the Municipal Act requires that prior to executing an Agreement, the City must pass another by-law for the specific development authorizing the municipality to enter into such an Agreement. This By-law is known as the "Municipal Housing Projects Facilities By-law" and allows Council scrutiny of any Agreement that may convey benefits in exchange for new affordable housing developments.

What must be addressed within a Municipal Housing Facility By-law?

The By-law must:

- Define "affordable housing" for the community;
- State policies regarding eligibility for the housing units to be created; and,
- Summarize the provisions that municipal housing projects facilities agreements are required to contain and the concessions that may be available.

Which other municipalities have adopted a Municipal Housing Facility By-law?

The Cities of Ottawa and Toronto and the Regions of Waterloo and York have adopted a Municipal Housing Facility By-law. Both Toronto and Waterloo have also recently approved a project specific Municipal Housing Project Facilities By-law and agreement for new rental housing construction in their respective communities.

Should "ownership housing" be a focus of a Municipal Housing Facility By-law?

Hamilton's ownership housing marketplace is healthy – single-detached dwelling starts are at strong levels, mortgage interest rates are at historically low levels and a range of dwellings are available at a variety of price points. However, Housing Division staff recognizes further research is required on initiatives that will encourage homeownership opportunities among lower income households in Hamilton, particularly among current social housing tenants.

Housing Division staff is preparing a major Housing Policy and Plan - "Keys to the Home" - for submission to Council in 2003 which will address this important housing issue among many others. Accordingly, a Municipal Housing Facility By-law for ownership housing may be considered at that time.

What assistance "tools" should the City of Hamilton offer through the proposed Municipal Housing Facility By-law?

Although a Municipal Housing Facility By-law can contain six possible incentives or concessions that a municipality may use, the following four options are included in the proposed Municipal Housing Facility By-law attached as Appendix "A":

- Low interest loans or grants;
- Giving, selling or leasing land at less than market value;
- Guaranteed borrowing; and,
- Services of municipal employees.

Property tax exemptions and full or partial exemption from development charges are not included in the proposed Municipal Housing Facility By-law due to the City's financial and budget situation. The four options noted above are considered desirable and are included in the proposed Municipal Housing Facility By-law. These options will have a positive effect on the ability to lower the economic or break-even monthly rents of new rental housing developments and enhance the economic viability of new rental housing developments. As well, use of these options will assist to maximize the $25,000 Federal cash grant available under the Community Rental Housing Program.

How does the proposed Hamilton Municipal Housing Facility By-law
define housing affordability?

The Federal and Provincial governments have stipulated for the Community Rental Housing Program that monthly rent levels shall be no higher than the average rents as published in the Canada Mortgage and Housing Corporation (CMHC) annual Rental Market Survey. If rent levels in a Municipal Housing Facility By-law exceed the program requirements, then the municipality would not be permitted to participate in the Community Rental Housing Program.

However, the municipality may prescribe maximum rent levels lower than the CMHC average market rent. No other municipality has done this. As the Community Rental Housing Program is new and evolving, staff believes it is too early to establish maximum rents lower than the CMHC average market rent. This would negatively affect the economics of rental development at a time when the aim is to stimulate rental developer interest in constructing rental housing.

An analysis of the "definition of affordable housing" and appropriate consultation with a cross-section of the community will take place as part of the preparation of "Keys to the Home" – a Housing Policy and Plan for Hamilton. Arising out of a policy decision by Council on the Housing Policy and Plan for Hamilton, staff will seek appropriate amendments to the Municipal Housing Facility By-law. It is important at this time to proceed with an affordable housing definition consistent with the CMHC average market rent so that program participation can be assured.

From the most recent CMHC Rental Market Survey (October, 2002), the average monthly market rents for the City of Hamilton are as follows:

	Apartment (6+ units)	Row/Townhouse
Bachelor	$477	--
One-Bedroom	$597	--
Two-Bedroom	$721	$628
Three-Bedroom +	$868	$923

These rents do not include utilities and other related fees such as parking, cable TV, etc.

For comparison purposes, the definition for affordable rental housing in Council-approved Municipal Housing Facility By-laws for Ottawa, Toronto and Waterloo are as follows:

	Hamilton	Waterloo	Toronto*	Ottawa*
Bachelor	$477	$482	$698	$622
One-Bedroom	$597	$615	$870	$762
Two-Bedroom	$721	$723	$1039	$916
Three-Bedroom +	$868	$844	$1248	$1059

* Utilities included

How can enhanced housing affordability be achieved through a Municipal Housing Facility By-law?

The Rent Supplement Program allows households to pay rent on a geared-to-income (RGI) basis. The monetary difference between the market rent and the RGI rent is provided to the respective landlord. The City of Hamilton delivers the Rent Supplement Program. As part of any Municipal Housing Project Facilities Agreement between a development proponent and the City, the City will have the ability to negotiate that a portion of the units be set aside to be used for tenants who will pay their rent on a geared-to-income basis.

As well, the Municipal Housing Facility By-law outlines an occupancy requirement that must be part of any agreement with a private sector or community-led housing developer. This requirement is that no housing unit during the duration of the agreement will be made available to families and individuals that own residential property at the time of initial rent-up. Therefore, all new rental units constructed with the assistance of the City of Hamilton through a Municipal Housing Project Facilities Agreement will be only available to first-time or existing tenants.

What incentives are desired by rental housing development proponents through a Municipal Housing Project Facilities Agreement?

Recognizing the range of concessions that can be made available through a Municipal Housing Facility By-law and based on discussions with a number of private sector housing providers interested in building under the Community Rental Housing Program, development charge relief in full or in part is a prime developer requested municipal incentive or concession. Other municipalities who have Council-approved Municipal Capital Facility By-laws including Waterloo, Ottawa and Toronto have adopted a policy of full or partial development charge relief in the context of establishing project specific Municipal Housing Project Facilities Agreements. However, due to the City's budget and financial situation, this incentive is not available through the Municipal Housing Facility By-law.

ANALYSIS OF ALTERNATIVES:

There are no alternatives to the requirements established by the Provincial and Federal Government for the Community Rental Housing Program. The senior levels of government have indicated that in order for any municipality including the City of Hamilton to deliver the Community Rental Housing Program, Council must establish a "Municipal Housing Facility By-law". By not participating in the Community Rental Housing Program, the $17.5 million in Federal funding earmarked for Hamilton will be allocated to other municipalities.

The establishment of a Municipal Housing Facility By-law does not bind the municipality to offer "automatic" or "as-of-right" concessions to private sector and community-led housing developers. Project specific concessions can only be provided through a Municipal Housing Project Facilities Agreement and By-law that is approved by Council.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – Housing Division staff has consulted and discussed this report and recommendation with senior staff of the Budgets & Fiscal Policy Services Division. The requirement for a New Multi-Residential property tax class rate equivalent to the Residential property tax class rate was addressed in Report FCS03087.

Staffing – No implications.

Legal – Legal staff have reviewed and modified the Municipal Housing Facility By-law (attached as Appendix "A") to meet City by-law protocols.

POLICIES AFFECTING PROPOSAL:

None.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Housing Division staff has consulted extensively with Corporate Counsel and Budgets & Fiscal Policy Services staff in the preparation of this report. In addition, staff from other municipalities across Ontario was consulted in regard to Municipal Housing Facility By-laws. Staff has also consulted with the Ministry of Municipal Affairs and Housing.

Staff has consulted with the Hamilton-Halton Home Builders' Association and a number of private sector developers interested in getting back into rental housing construction.

Further, Housing Division staff made a presentation to the Food, Shelter and Housing Advisory Committee in November, 2002 and the Community Consultation Committee on Social Housing (CCCOSH). There is concern in regard to the definition of affordable housing within the context of the Community Rental Housing Program and the Municipal Housing Facility By-law on the part of some community stakeholders. However, as described in this report, this definition will be subject to change after appropriate analysis and consultation through "Keys to the Home".

CITY STRATEGIC COMMITMENT:

Approval and implementation of the Municipal Housing Facility By-law will promote and facilitate the development of new affordable rental housing. As well, the Municipal Housing Facility By-law will satisfy the Council requirements for the City to participate in Community Rental Housing Program. These initiatives support the following goals of the City's Strategic Plan:

1. *A City of Growth and Opportunity*
   c) Developing Partnerships for Hamilton with Other Levels of Government
   "Council will urge its government partners to take the steps necessary to support the City in its efforts."

2. *A Great City in Which to Live*
   b) Supporting People in Need, with Care
   "Council will seek work with other levels of Government and the community to ensure that people in need are supported and cared for."

3. *A Healthy, Safe and Green City*
   i) Municipal Housing Program
   "Develop and implement a municipal affordable housing program."

MM/KE/ke

Attach. (1)

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. __________

To Adopt a Municipal Housing Facility By-law

WHEREAS the City is the Service Manager under the *Ontario Works Act, 1997* and is authorized to operate and manage housing, as well as to establish, fund and administer programs for the provision of residential accommodation in its Service Area under the *Social Housing Reform Act,*;

AND WHEREAS section 110 of the *Municipal Act, 2001,* as amended, allows the council of a municipality to enter into agreements for the provision of municipal capital facilities;

AND WHEREAS Ontario Regulation No. 46/94 as amended to No. 401/02 sets out the classes of municipal capital facilities for which municipal councils may enter into agreements, one such class being municipal housing project facilities;

AND WHEREAS that Regulation requires that a municipal council enact a municipal housing facility by-law prior to entering into an agreement;

AND WHEREAS Council wishes to increase the supply of affordable housing by providing financial assistance at less than fair market value to private sector and community-led non-profit housing providers;

NOW THEREFORE the Council of the City enacts as follows:

1. In this by-law:

(a) "Act" means the *Municipal Act, 2001*;

(b) "affordable housing" means with respect to municipal housing project facilities, housing units that satisfy the definition set out in section 4;

(c) "Agreement" means a municipal housing project facilities agreement as set out in section 2;

(d) "average CMHC rent" for municipal housing project facilities at any time means:

(i) for apartments, the average monthly market rent by bedroom type for privately-initiated apartment structures containing 6 or more units for the amalgamated City, as determined and amended by CMHC; or,

(ii) for townhouses, the average monthly market rent by bedroom type for privately-initiated townhouse structures for the amalgamated City, as determined and amended by CMHC.

(d) "CMHC" means Canada Mortgage and Housing Corporation;

(e) "City" means the municipal corporation known as the City of Hamilton or the geographic area of the City, as the context requires;

(f) "Council" means the Council of the City;

(g) "Director" means the City's Director of Housing of the Planning and Development Department or his or her designate;

(h) "housing project" means a project or part of a project designed to provide or facilitate the provision of rental residential accommodation, with or without any public space, recreational facilities and commercial space or buildings appropriate thereto;

(i) "housing provider" means a person legally entitled to own real property in Ontario;

(j) "housing unit" includes a unit in a housing project rented by an occupant;

(k) "municipal housing project facilities" means the class of municipal capital facilities prescribed by paragraph 18 of section 2 of Ontario Regulation No. 401/02, as amended;

(l) "municipal housing project facilities by-laws" means a by-law enacted by Council pursuant to paragraph 18 of section 2 of Ontario Regulation 401/02, as amended;

(m) "structure type" means the type of residential dwellings to be constructed, i.e., apartments or townhouses; and,

(n) "unit size" means the size of a units within municipal housing project facilities or potential municipal housing project facilities, measured by the number of bedrooms.

2. Council may pass municipal housing project facilities by-laws in accordance with the Act permitting the City to enter into municipal housing project facilities agreements with housing providers for the provision of municipal housing project facilities;

3. Upon passing of a municipal housing project facilities by-law referred to in section 2 of this by-law, the City Clerk shall give written notice of the by-law to the Provincial Minister of Education and Training or successor, as set out in the Act;

4. The definition of "affordable housing" for the purpose of a municipal housing project facilities agreement shall be municipal housing project facilities in which the average monthly rent by structure type and each unit size, exclusive of utilities, parking, telephone, cable and other related fees, is less than or equal to the most current average CMHC rent for the amalgamated City for that respective unit size and structure type;

5. The City shall not enter into an Agreement noted in section 2 of this by-law unless it has been determined to the satisfaction of the Director of Housing that the housing units to be provided as part of the municipal housing project facilities fall within the definition of affordable housing;

6. Under no circumstances shall a housing unit be made available at any time during the period the municipal housing project facilities agreement is in force:

(a) at a monthly rent that is not within the definition of affordable housing as outlined in section 4 of this by-law, as the case may be; and,

(b) to individuals or families who, if at the time the housing unit was initially rented to them, would already own residential property, as determined by the housing provider after making all reasonable inquiries.

7. Every municipal housing project facility agreement shall contain the following provisions to the following effect or shall satisfy the following requirements, as the case may be:

(a) the term of the Agreement shall not be less than 15 years;

(b) the housing project shall provide no fewer than 3 housing units;

(c) each unit within the housing project shall meet the definition of affordable housing throughout the term of the Agreement;

(d) the housing provider and any successor in title shall comply with section 6 so long as the Agreement remains in effect;

(e) subject to section 8, units subject to the Agreement shall not be rented to the housing provider or shareholders or directors of the housing provider, or any individual not at arm's length to the housing provider;

(f) the Agreement shall be registered against the title to the property to which it relates;

(g) the municipal housing project facilities agreement shall be binding on the heir's, successors and assigns of the housing provider;

(h) during the time period in which the municipal housing project facilities agreement is in force, the housing provider shall, as a condition precedent to a sale of the housing project to a subsequent purchaser, require the subsequent purchaser to enter into an agreement with the City, and that agreement shall impose the remaining term of the municipal housing project facilities agreement on that subsequent purchaser;

(i) a list of the benefits being conveyed to the housing provider under this by-law, including their estimated present day monetary value;

(j) where a housing provider fails or refuses carry out its obligations under the Agreement or this by-law, the housing provider shall pay the City the full amount of any financial assistance received or otherwise provided under the Agreement together with interest thereon at the rate of 6 per cent per annum from the date of that default up to and including the date on which payment is received; and,

(k) such other contractual provisions as the City Solicitor may consider necessary or advisable in his or her discretion in order to protect the interests of the City or the residents of the housing facility to which the agreement relates

8. Despite clause 7(e), units subject to a municipal housing project facilities agreement may be rented to directors of the housing provider or to an individual not at arm's length to directors of the housing provider if:

(a) the housing provider is a non-profit housing co-operative as defined in the *Co-operative Corporations Act,* as amended or a not-for-profit corporation; and,

(b) the housing provider is at arm's length to any individual or private for-profit corporation with which the director or individual not at arm's length to the director, as the case may be, has a non-arm's length relationship.

9. A municipal housing project facilities agreement may allow for the lease, operation or maintenance of the municipal housing project facilities by any person and for the sale or other disposition of municipal land or buildings that are still required for the purposes of the City;

10. An Agreement may, with respect to the provision, lease, operation, and maintenance of the municipal housing project facilities that is subject to the Agreement:

(a) provide for financial or other assistance at less than fair market value or at no cost to the housing provider, which assistance may include:

(i) giving or lending money and charging interest;

(ii) giving, lending, leasing or selling property;

(iii) providing mortgage and/or lending guarantees; and,

(iv) services of municipal employees in kind including project specific legal, planning and development and other administrative assistance, at a liquidated charge of $2,000 per housing unit.

11. The aggregate amount of assistance provided by the City under section 10 in an Agreement plus any benefits derived from adjustments to the City's New Multi-Residential tax class ratio plus the fair value of assistance provided by the Province of Ontario shall not exceed the amount required to qualify for the maximum cash grant available at the relevant time under the Federal-Provincial Community Rental Housing Program.

12. This By-law may be cited as the Municipal Housing Facility By-law.

PASSED and ENACTED this day of , 2003.

MAYOR

CLERK

AFFECTS WARD 2

CITY OF HAMILTON

11.2

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	May 15, 2003 1204-1	**Prepared by:**	Ron Marini ext 4178 Gord Moodie ext 3934

SUBJECT: **Hamilton Downtown Residential Loan Program (PD03123) (Ward 2)**

RECOMMENDATION:

(a) That a conditional loan commitment, outlined as Appendix "A" to Report PD03123, be issued to four (4) development projects within the terms and conditions of the Hamilton Downtown Residential Loan:

- (i) 80 King William Street
- (ii) 66 Bay Street
- (iii) 47 Caroline Street
- (iv) 165 King Street East

(b) That the remaining projects which applied under the Request for Proposals (R.F.P.) be given ninety (90) days to complete the required information in order for Downtown Renewal staff to effectively assess each project:

- (i) 150 Main Street West
- (ii) 250 Main Street East
- (iii) 80 Jackson Street East
- (iv) 42 Mary Street

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Downtown Renewal Division staff, through the City's Purchasing Section, issued a Request For Proposal (R.F.P.) in December 2002 for residential development projects requiring City loans under the Hamilton Downtown Residential Loan Program. The R.F.P. offered an allocation of $7,500,000 under the terms and conditions of the Hamilton Downtown Residential Loan Program. The loan applications received in response to the R.F.P. exceeded the allotted amount and totalled $13,310,000, representing a construction value of $63,265,000. Some of the applications represent projects that are in the early stages of their internal planning process and thereby render them premature for City staff to properly evaluate the proposals. At this time, it is possible that some of these projects may not proceed at all. However, four (4) proposals have been evaluated by City staff and they are recommended for conditional loan approval. These projects are slated to start construction in 2003. In order to ensure the maximum efficiency of the program and the corresponding Downtown rejuvenation, it is imperative that funds be allocated to those projects that have been assessed. The remaining projects are proposed to be given time to firm up plans, and after ninety (90) days, staff will prepare further recommendations for Council's consideration.

BACKGROUND:

The Hamilton Downtown Residential Loan Program was originally established to assist developers in building residential units within the Downtown Hamilton Community Improvement Project Area and was originally allocated ten (10) million dollars. Council approved the new terms of the Hamilton Downtown Residential Loan Program on September 25, 2002 (see Appendix "B"), and allocated an additional $7.5 million towards the program. The status of the original approved projects is as follows:

	Hamilton Downtown Residential Loan Program	**Status**	**City Loan Amount**
1.	135-143 James Street South Bear Inc.	Under construction	$3,400,000
2.	11 Rebecca Street Rebecca Street Holdings	Construction start August /03	$ 800,000
3.	155 James Street South Augusta James Holdings	Complete	$1,000,000
4.	100 Main Street East Homestead Land Holdings	Complete	$ 746,000
5.	118 Market Street Wilshire Group Inc.	Construction to start in June/03	$2,008,000
6.	74 Hughson Street South Global Development Ont.	Will be subject of a report to Council	$1,000,000
7.	12 Mary Street 1178605 Ontario Inc.	Construction start July/03	$1,000,000
8.	91 Wellington Street North 1267766 Ontario Inc.	Under construction	$ 290,000
	Total		**$10,244,000**

Downtown Renewal staff has worked with the projects on the above list. Currently, there is no waiting list and all projects but 74 Hughson Street have moved forward.

The R.F.P. was issued in December, 2002. All applicants were requested to respond with their prospective proposals by February 14, 2003. The following are the applications received.

RESPONSE TO R.F.P.

Address	No. of Units	Total Cost	City Loan
80 King William Street	50	$ 4,685,000	$1,200,000
66 Bay Street	101	$14,140,000	$2,020,000
47 Caroline Street	40	$ 5,640,000	$ 940,000
165 King Street East	11	$ 420,000	$ 140,000
150 Main Street West	120	$ 9,600,000	$2,800,000
250 Main Street East	50	$ 2,550,000	$ 850,000
80 Jackson Street East	150	$ 24,700,000	$5,000,000
42 Mary Street	25	$ 1,530,000	$ 360,000
TOTALS	**547**	**$63,265,000**	**$13,310,000**

Downtown Renewal staff has met with the principals of all of the above proposals. Each proposal is unique and is at a different stage of the development process. The most effective use of the loan program fund would be to recommend the projects that are ready to begin construction and allow the remaining projects ninety (90) days to complete their planning process. Through discussions with the applicants, Downtown Renewal staff has ascertained that some of the projects are scheduled to begin construction in spring of 2004. Both developers and City staff agree that funding should not be delayed for applicants that are ready to utilize the loan program.

PROJECTS RECOMMENDED FOR FUNDING COMMITMENT

	Address	Cost
(i)	80 King William Street	$1,200,000
(ii)	66 Bay Street	$2,020,000
(iii)	47 Caroline Street	$ 940,000
(iv)	165 King Street East	$ 140,0000
	Total Conditional Commitments	**$4,300,000**

(a) **80 King William Street** is the former Spectator building. The developers have submitted a building permit and are looking towards the end of June, 2003 start date. The property will be converted into 50 one and two bedroom condominiums. It should also be noted that the conventional construction financing is in place.

(b) **66 Bay Street** is the former Bell building. Staff has reviewed the preliminary plans for converting this building into 101 condominiums. The applicant's plans are to construct model suites and market throughout the summer months.

(c) **47 Caroline Street** is currently a vacant lot. The proponents have provided drawings for a 40 unit condominium complex. All indications are for a construction start date prior to September 2003.

(d) **165 King Street East** is an existing 3 storey mixed use building. Construction drawings have been submitted. The project will convert a rooming house situation into 11 one bedroom apartments.

PROJECTS REQUIRING FURTHER WORK BY PROPONENTS

	Address	Cost
(i)	150 Main Street West	$2,800,000
(ii)	250 Main Street East	$ 850,000
(iii)	80 Jackson Street East	$5,000,000
(iv)	42 Mary Street	$ 360,000
	Total Loan Request	**$9,010,000**

These projects are in the early stages of planning. They will be given ninety (90) days from date of notice of the planning extension (estimated ± September 15 to produce plans, etc.). Downtown Renewal staff will report back to Council at the end of the ninety (90) day period with recommendations related to funding.

ANALYSIS OF ALTERNATIVES:

An alternative to the recommendations within this report would be to wait until such time as all 8 proposals are prepared to proceed. This alternative would be unfair to those proposals that are presently ready to move forward, cause undue delay and potentially miss the 2003 construction season.

This recommendation will conditionally approve $4,300,000. The remaining projects represent $9,010,000 in City funding. The following is a summary of the projects which will be given ninety (90) day extensions.

1. **150 Main Street West** was offered for sale by the Federal Government by way of a tender process. This proposal is the secondary bid in the tender and is likely not to proceed. However, if the accepted offer does not close, this project would have the opportunity to continue. Request for City funding is $2,000,000 for conversion to create 120 units.

2. **250 Main Street East** has requested City funding of $850,000 to convert existing office space into 50 apartments.

3. **80 Jackson Street East** is currently a vacant parking lot. Their request is for $5,000,000 to construct a student residence. Currently, the proponents are in discussions with McMaster University for the University to allocate students to this facility. Staff has been provided a project timeline and the anticipated construction start date is spring 2004.

4. **42 Mary Street** is an existing vacant printing shop. This proposal is from a purchaser who is awaiting a closing date of June 15, 2003. The request is to convert the existing space into 25 loft apartments which would require $360,000 of City funds.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – Funding is provided under the terms of the Hamilton Downtown Residential Loan Program approved by Council on September 25, 2002 and attached as Appendix "B" to Report PD03123.

Staffing – Administration of the Hamilton Downtown Residential Loan Program can be accommodated within the Downtown Renewal Division of the Planning and Development Department, along with the Corporate Services Department.

Legal – Legal review of all documentation associated with each loan aspects will be appropriately reviewed by Legal Services to meet the customer's needs while protecting the City's interests.

POLICIES AFFECTING PROPOSAL:

The Downtown Hamilton Secondary Plan, the Hamilton Downtown Residential Loan Program, the Downtown Hamilton Community Improvement Plan and the former City of Hamilton Zoning By-law 6593 affect the development proposals outlined in this report. Resolution to Secondary Plan and Zoning issues must be met prior to the release of City funding under the terms of the Hamilton Downtown Residential Loan Program. The Downtown Renewal Division is working with the applicants to meet this end. Further, all the proposals fall within the Downtown Hamilton Community Improvement Project Area and therefore are eligible to receive funding from the City.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Corporate Services Department, and the City's Legal Services Division staff has been consulted.

CITY STRATEGIC COMMITMENT:

The provision of Downtown housing utilizing existing infrastructure is an excellent example of Sustainable Development and these proposals implement the provisions of Vision 2020. More importantly, these development proposals represent a concrete implementing feature of Council's strategy to utilize housing in the Downtown as the connection to Downtown revitalization and renewal. This use of loan money is an example of a City that spends wisely and invests strategically.

GM:jcs
Attach. (2)

(Revised April 30th)

Dear Sir or Madam:

Re: Address
Loan application number

The City of Hamilton is pleased to inform you that your application for financial assistance pursuant to the Hamilton Downtown Residential Loan Program has been approved, with the terms and conditions outlined herein. The purpose of this funding is to assist you in a) converting existing commercial space into apartments b) renovate existing apartments into compliance with the Property Standards By-law and Fire Code c) assist in the cost of creating new residential units on vacant land *(Pick one eliminate the rest)*. The City of Hamilton has identified this financial support as a means to support development within the Downtown area, consistent with the principles and design themes outlined in the Downtown Hamilton Secondary Plan.

Terms and Conditions

BORROWER:	*- must be name of registered owner of the property* *- address for notice, along with telephone, fax and email*
LOAN AMOUNT:	1. Principal Amount $, Canadian Dollars secured by a Second Collateral Mortgage. 2. The maximum loan amount is calculated on the basis of $20 per square foot of habitable floor space. The City reserves the right to decide what is considered habitable floor space under the terms of the program.
PURPOSE:	*- provide exact details of the proposed project including residential unit amounts for the purpose of determining the amount of administration fee to be charged* This financial assistance shall not be used for any other purpose than as above stated, but the fact that the funds are

	used for some other purpose shall not affect the obligations of the Borrower to repay the City of Hamilton.
TERM:	The maximum loan term is five years (subject to prior termination on default). No extension or renewal SHALL be granted.
INTEREST RATE:	1. The loan interest rate will be at 0% interest. 2. Interest in arrears of 13% per annum or such tax arrears interest rate as may be established by Council from time to time.
ADVANCES:	1. The City's funding will be advanced in 3 stages, upon completion of 60%, 80% and final completion of the proposed development. The City's funds will be released on a 3:1 ratio in conjunction with the first mortgagee. Verification of completion will be by way of an Architect/Engineer Certificate. 2. Advances are to be made within 10 working days upon written request. Finance department are to receive verification of certain items, which are standard form and available upon request.
REPAYMENT:	Principal is repayable if annual amounts of ten percent (10%), in 12 equal monthly payments, of the original loan amount. Payments will commence one year following completion of construction. The balance outstanding will be paid by a balloon payment at the end of the five year term.
ADMINISTRATION FEE:	An administration fee of $500 per unit for developments under 50 units; $400 per unit for developments between 50 and 100 units and $300 per unit for developments over 100 units is charged to the borrower and is due upon first advance from the City.
SECURITY:	1. A Loan Agreement with the Borrower. The loan will be registered as a second mortgage upon first advance of funds. 2. The City may request such security as may be required to secure a commercial loan, including the

following: loan agreement; and/or promissory note; and/or personal property security; and /or personal guarantee's; and/or lien on the property to be improved; and/or mortgage charge registered on the property to be improved; and/or letter of credit in lieu of a second mortgage charge on the property (subject to the City's minimum equity requirements); and/or such other security which may be appropriate or available in the circumstance.

AFFIRMATIVE COVENANTS:

1. Realty Taxes must be paid current and in good standing throughout the development process, and during the term of the City loan.

2. Ongoing compliance with applicable laws, including but not limited to, the Province of Ontario, the Government of Canada and the City of Hamilton., including the relevant Zoning By-law affecting the lands.

3. Conformity with the provisions of the City of Hamilton Downtown Secondary Plan (OPA No. 172).

4. The City of Hamilton will require specific insurance terms to be met to protect the City's interest.

NEGATIVE COVENANTS:

1. Owner applicants shall have no less than 25% equity based upon the appraised value of the property offered as security, including cost of improvements being financed. The 25% equity in the project shall be maintained throughout the term of the City loan. An accredited member of the Appraisal Institute shall complete the property appraisal prior to funding within a time frame acceptable to the City.

2. Upon sale of the property the loan is due and payable on closing. Upon refinancing of the first mortgage the loan is due in full or in part if take out financing take place in an amount higher than the existing first mortgage.

3. Upon sale of individual condominium units, the City will be repaid $25.00 per square foot upon closing.

REPORTING

COVENANTS:

Until all debts and liabilities have been discharged in full the Borrower will provide to the City the following:

(i) accountant prepared financial statements of the Borrower duly signed within 180 days of the Borrower's fiscal year end;

(ii) detailed monthly sales reports to be provided including date of sale, purchaser's name and address, unit number, square footage, selling price, deposit paid, amount due on closing subject to adjustments.

(iii) Provide any other information as may be reasonably requested from time to time

EVENTS OF DEFAULT:

Usual events of default and normal cure period will apply.

COSTS:

1. The Borrower and Lender agree that all fees and costs, incurred by or on behalf of the Lender, including but not being limited to legal, professional, registration, escrow agent, appraisal and survey costs and fees, Independent Engineer costs, and Independent Insurance Advisor costs, are for the account of the Borrower, whether or not closing occurs.

2. All costs associated with the conversion or renovations are to be borne by the applicant including construction, design, administration fee, appraisals, inspections, legal and registration fees. The City retains the right to assess the reasonableness of costs and which costs are eligible under the terms of the program.

GOVERNING LAW:

The validity, interpretation and performance of the transaction contemplated shall be governed by the laws in force in the Province of Ontario.

LAPSING DATE:

Legal closing and advance of funds to be prior to , 2003.

The purpose of this letter is to confirm our mutual understanding of the general terms and conditions on which the financial assistance will be available to you.

You are asked to review this letter carefully with the assistance of your lawyer and accountant. Please note that neither the preparation nor the acceptance of this Commitment Letter shall bind the City of Hamilton to advance any amount under this letter unless and until such terms and conditions have been satisfied, and until all required security and loan documentation has been completed by you.

Further, the City of Hamilton shall not be obliged to advance any amount under this letter where at the time of closing of the transaction, you are, or if an advance was made, would be, in default under the terms of the Commitment Letter or any of the Security Agreements or other Loan Documentations.

We ask that you sign back your acceptance of the terms and conditions herein by no later than ____________ at which time this offer expires.

Yours truly,

****Whoever will be signing this******

Accepted this___ day of , 2003 in the City of Hamilton, Province of Ontario.

____

LOAN AGREEMENT

This Agreement dated as of the 30th day of April, 2003

BETWEEN:

CITY OF HAMILTON

(Hereinafter called the "City")
OF THE FIRST PART

-and-

Name of Company

(Hereinafter called the "Borrower")
OF THE SECOND PART

WHEREAS the Borrower is the registered owner in fee simple of the property municipally known as Address, Hamilton, Ontario, City of Hamilton, and described in Schedule "A" attached hereto (hereinafter called the "Property") in this Agreement;

AND WHEREAS the Borrower has applied to the City for a loan to finance the renovation and conversion of the Property from commercial properties to rental residential units for sale or rent pursuant to The Hamilton Downtown Residential Loan Program summarized in Report Number Number of the Downtown Renewal Division of the Planning and Development Department;

AND WHEREAS the City approved the loan application, summarized in Report to Council Number Number of the Downtown Renewal Division of the Planning and Development Department and agreed to make a loan in favour of the Borrower and the Borrower agreed to repay the loan on the terms and conditions set out herein;

AND WHEREAS the Council for the City, at its meeting held on Date, 2003 authorized the loan in adopting Item Number 24 of Report Number 03-001 of the Committee of the Whole;

NOW THEREFORE this Loan Agreement witnesses that in consideration of the mutual covenants and agreements herein contained and for other good and valuable consideration (the receipt and sufficiency are hereby acknowledged) the parties agree as follows:

The City agrees, on the terms and conditions herein, to make advances to the Borrower form time to time on any Business Day

The Borrower for value received hereby promises to pay to the City at the Office of the City Clerk, 71 Main Street West, Hamilton, Ontario, L8P 4Y5 the principal amount of **Amount in writing ($)** in the manner hereinafter provided, together with all other monies which may from time to time be owing hereunder or pursuant hereto;

Principal Payments

Subject to the provisions of this Agreement the principal amount hereof shall become due and payable by annual amounts of ten percent (10%), in 12 equal monthly payments, of the original loan amount. Payments will commence 12 months following substantial completion of the project as certified by the architect and/or engineer for the Borrower and the balance of said principal amount shall become due and payable together with any interest and all other monies owing hereunder at the end of year five (5) being the fifth (5th) anniversary of the first principal payment.

4. Security

The Borrower shall provide the following security in form satisfactory to the City and registered or recorded as required by the City prior to any advance or availment being made of the loan proceeds.

(i) Second charge/mortgage payable on demand in principal amount of $ secured against the property (address);

(ii) Insurance as per attached schedule;

(iii) Such other security or supporting documents as the City may reasonably require to secure its position;

5. Administration Fee

The Borrower acknowledges and agrees that it will pay $500.00 per proposed residential unit for developments with 50 units or less, $400 per unit for developments with 50-100 units and $300 per unit for developments with over 100 units as an Administration Fee.

6. Advances

The City's funding will be advanced in 3 stages, upon completion of 60%, 80% and final completion of the proposed development. The City's funds will be released on a 3:1 ratio in conjunction with the first mortgagee. Verification of completion will be by way of an Architect/Engineer Certificate.

7. **Postponement to Takeout Financing**

The City agrees to postpone the second mortgage securing this Agreement to permanent term financing without payment of principal provided the permanent term financing does not exceed $____________________.

8. **Prepayment**

The Borrower may prepay the outstanding indebtedness in whole or in part at anytime or times without penalty or bonus and in the case of payment in whole, all other monies owing for interest or expense.

9. **Conversion to Condominium**

The City will as mortgagee execute the mortgagee's consent to the registration of the lands and buildings as a condominium provided the Borrower has otherwise complied with the Planning Act and the Condominium Act, 1998 in obtaining approval in satisfying all conditions imposed of draft plan approval.

10. **Partial Discharges**

In the event of a sale of a condominium unit, upon closing the City will provide a partial discharge of the unit upon receipt of a principal payment equal to $25.00 per square foot of the condominium unit sold. The Borrower shall provide to the City satisfactory evidence of the square footage of each unit.

11. **Owner's Equity**

The Borrower shall prior to the first advance provide evidence satisfactory to the City, of Owner's Equity of not less than 25% of the appraised value after deducting from such appraised value, the Borrower's mortgages and other encumbrances such as liens or realty tax.

12. **Conditions Precedent**

The Borrower shall provide an appraisal satisfactory to the City that market value of the residential component of the Property is $____________________.

Prior to the first advance, the Borrower shall deliver evidence satisfactory to the City of the owner's equity of not less than 25% of the appraised value of the property after deducting from such appraised value, the owner's mortgages and other encumbrances such as liens or realty tax arrears. In addition at the time of each advance under the loan there shall remain at least 25% owner's equity (as described above) in the properties.

The Borrower's architect (or consulting engineer) shall at the time of each loan advance certify to the City that the value of the work to be done under the construction contract is sufficient to substantially complete construction for the building rehabilitation and conversion of 12 units and the value of said remaining work is less then the amount of the City's loans remaining to be advanced.

The Borrower shall have applied for and received a building permit on or before and have commenced construction on or before date failing which unless extended by the City this agreement shall end. The deadlines imposed by this paragraph shall not include delays that are not due to the fault of the Borrower acting reasonably.

13. **General Conditions**

(i) advances will be made upon receipt of the architect/quantity surveyor's draw/progress certificate specifying the dollar amount of services and/or materials supplied under the contract with evidence of bank advance or payments;

(ii) standard construction terms including statutory holdbacks to be followed;

(iii) a 45 day holdback of 10% of the dollar value of services and/or materials supplied as certified in the draw progress certificate. Holdback will be held from each advance until substantial completion is declared and the lien period has expired;

(iv) advances will be made and holdbacks released upon receipt by the City of its solicitor's title opinion ensuring continued ranking of the City's security interest;

(v) no subsequent encumbrances may be registered on title without the City's prior written consent. The City's consent to any subsequent encumbrance shall include the requirement that the encumbrance is fully postponed and subordinate its charge to all City advances, repayments and security through the execution of an inter-lenders agreement satisfactory to the City;

(vi) the Borrower is to ensure that any construction liens or other actions registered against the project are cleared from title immediately. The City is not obligated to make loan advances if there is any construction lien;

(vii) sale or transfer of property herein secured or any change in the ownership of the Borrower not approved by the City will cause all monies owing under the loan to become due and payable. If the Borrower requests the City's consent to a transfer of ownership of the property or a change in ownership of the Borrower then the City will provide its response within 14 business day of a written request;

(viii) the Borrower will ensure that the architect/quantity surveyor has full access to the project as required to monitor construction progress by monthly site visits;

(ix) the quantity surveyor retained is to be name , architect or such other quantity surveyor acceptable to the City;

(x) the Borrower shall ensure all municipal realty taxes and any other municipal charges(if any) are in good standing at the time of each advance failing which the City will be under no obligation to advance.

14. Reporting Conditions

Until all debts and liabilities have been discharged in full the Borrower will provide to the City the following:

(iv) accountant prepared financial statements of the Borrower duly signed within 180 days of the Borrower's fiscal year end;

(v) detailed monthly sales reports to be provided including date of sale, purchaser's name and address, unit number, square footage, selling price, deposit paid, amount due on closing subject to adjustments.

15. Interest

Provided the Borrower is not in default of any principal payable hereunder and the City has not otherwise demanded payment for breach of any other terms hereunder than there shall be no interest charged.

In the event of default of payment of any principal amount then interest shall be charged and accrued from date of default of payment until payment at a rate per annum equivalent to the highest rate charged by the City in respect of property tax arrears calculated and payable monthly..

In the event of default for any other reason and the City demands payment then interest shall be charged and accrued from the date of demand until payment at a rate per annum of 13% or the equivalent to the highest rate charged by the City in respect of property tax arrears calculated and payable monthly.

16. Default

If default occurs under the terms and conditions as outlined above or under any security provided to the City or any other event which causes the City in good faith to deem itself unsecure then at the option of the City all monies owing shall immediately become due payable upon demand.

17. **Acceleration**

(1) All indebtedness and liability of the Borrower to the City payable on demand, is repayable by the Borrower to the City at any time on demand;

(2) All indebtedness and liability of the Borrower to the City shall, at the option of the City become immediately due and payable, the security held by the City shall immediately become enforceable, and the obligation of the City to make further advances or other accommodation available shall terminate, if any one of the following Events of Default occurs;

(i) the Borrower fails to make when due, whether on demand or at a fixed payment date, by acceleration or otherwise, any payment of interest, principal, fees or other amounts payable to the City;

(ii) there is a material breach by the Borrower of any other term or condition contained in this Agreement to which the Borrower and the City are parties;

(iii) any bankruptcy, re-organization, compromise, arrangements, insolvency or liquidation proceedings or other proceedings for the relief of debtors are instituted by or against the Borrower and, if instituted against the Borrower, are allowed against or consented to by the Borrower or are not dismissed or stayed within 60 days after such institution;

(iv) a receiver is appointed over any property of the Borrower or any judgment or order or any process of any court becomes enforceable against the Borrower or any property of the Borrower or any creditor takes possession of any property of the Borrower;

(v) any adverse change occurs in the financial condition of the Borrower;

(vi) any adverse change occurs in the environmental condition of: - any property, equipment, or business activities of the Borrower;

(vii) construction ceases for a period of 60 days due to the Borrower's default (strikes and Act of God excepted) and/or the Borrower abandons the site;

(viii) the Borrower is in default of the terms and conditions of the construction financing secured by a first mortgage.

18. **Insurance**

Not less than 5 business days prior to the initial advance of funds, the Borrower, shall provide the City with original Certificates of Insurance, or if required by the City, certified copies of each insurance policy, in respect of the property in form and content and with Insurers satisfactory to the City as more particularly set forth in Schedule "B".

IN WITNESS WHEREOF the parties have executed this Agreement.

CITY OF HAMILTON

Robert E. Wade
Mayor

Approved as to form

Kevin C. Christenson
City Clerk

Legal Services
(Our File No. 226-1/03.1)

Name of Company

Authorized Individual
I have authority to bind the corporation

SCHEDULE "A"

LEGAL DESCRIPTION

SCHEDULE "B"

INSURANCE REQUIREMENTS: The Borrower shall provide and maintain at its own expense, including deductible costs, the following insurance coverages.

1. "Builders' All Risk" insurance against damage to or destruction of all buildings and improvements to be constructed on any of the properties to be given as security for the loan transaction (the "Properties") and "Property All Risks" insurance against damage to or destruction of any buildings and improvements situate on the Properties, including footings, foundations and all parts thereof above and below grade, in an amount which is equal to the full replacement cost thereof, and subject to the following terms and conditions:

    (a) Replacement cost endorsement;

    (b) Deletion from the policy of any provision requiring reconstruction on same or adjacent sites;

    (c) An endorsement to the effect that the policy will cover any additional costs of reconstruction as a result of enforcement of current building by-laws and regulations, including the cost of demolition of any undamaged portion of any building or improvement;

    (d) Such policy of insurance shall not contain a percentage co-insurance endorsement other than a stated amount co-insurance endorsement for an amount not less than full replacement cost;

    (e) Such policy of insurance shall be written with loss payable to the City in accordance with a form of mortgage clause approved by the Insurance Bureau of Canada or other organization acceptable to the City including, without limitation, that the policy will remain in full force notwithstanding anything contained in or omitted from the application therefore, that such insurance will not be invalidated or affected by any act or omission of any person other than the City;

2. Broad Form Boiler and Machinery insurance, including pressure vessels, heating and air conditioning equipment and other like equipment forming part of the improvements on the Properties, against loss or damage by explosion, rupture of steam pipes and other usual risks covered by such insurance, in an amount which is equal to the full replacement cost thereof;

3. Commercial General Liability insurance against loss from liability imposed by law as owner and/or landlord of the Properties resulting from personal injury, bodily injury including death, and damage to or loss of property, of any person, in

an amount not less than $5,000,000.00 on a single occurrence basis; including , but not limited to blanket contractual liability, products liability, completed operations liability, owners and contractors protective liability, cross liability and severability of interest provisions, and naming the City as an additional insured;

4. Insurance against loss of rent, rental value and other payments required to be paid or made by tenants, or loss of income and profits from the business carried out on the Properties from at least those risks covered by insurance herein required and under which the period of the indemnity will be not less than 12 months, and to the extent of not less than 100% of such loss of gross rent or rental value, or income value from time to time with no co-insurance provisions;

5. Any and all other insurance coverage which the City may reasonably require from time to time;

Each policy referred to shall include a provision that the Insurer shall provide not less than thirty (30) days prior written notice to the City in the event of cancellation, termination, or non-renewal of coverage;

All insurance coverages referred to in the Agreement shall be primary and shall not call into contribution any insurance coverage of the City;

The Borrower acknowledges that the foregoing only represents the minimum insurance requirements of the City and shall not be construed as a recommendation or opinion by the City as to the full scope of insurance which may be required by a prudent owner of the Properties, and the Borrower is hereby advised to govern itself accordingly in that regard.

SUMMARY OF THE TERMS OF THE HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM (APPROVED SEPTEMBER 25, 2002)

PURPOSE OF THE LOAN

The Hamilton Downtown Residential Loan Program was developed as a catalyst for stimulating residential development within Downtown Hamilton as defined by the Downtown Hamilton Community Improvement Project Area. The program is intended to provide financial assistance for converting existing commercial space into apartments or renovations to bring existing apartments into compliance with the Property Standards By- law and Fire Code. The program is also intended to provide assistance for the costs of creating new residential units on vacant land.

Acting as a lender, the City provides financial support for the program and ensures that development arising from the program within the Downtown is consistent with the principles and design themes contained within the Downtown Hamilton Secondary Plan.

TERMS OF THE PROGRAM

1. The Loan interest rate will be at 0 % interest.

2. The Loan will be registered as a second mortgage upon first advance of funds.

3. Interest in arrears of13% per annum or such tax arrears interest rate as may be established by Council from time to time.

4. The maximum Loan term is five years (subject to prior termination on default).

5. Principal is repayable in annual amounts of ten percent (10%), in 12 equal monthly payments, of the original loan amount. Payments will commence one year following completion of construction. The balance outstanding will be paid by a balloon payment at the end of the five year term.

6. The maximum loan amount is calculated on the basis of $20 per square foot of habitable floor space. The City reserves the right to decide what is considered habitable floor space under the terms of program.

7. The City will periodically review the terms and the duration of the program and make appropriate revisions as per the direction of City Council.

8. The City may request such security as may be required to secure a commercial loan, including the following: loan agreement; and/or promissory note; and/or personal property security; and/or personal guarantee's; and/or

lien on the property to be improved; and/or mortgage charge registered on the property to be improved; and/or letter of credit in lieu of a second mortgage charge on the property (subject to City's minimum equity requirements); and/or such other security which may be appropriate or available in the circumstance.

9. Upon proof satisfactory to the City that the proposed development is 60% complete and that equity and/or financing required to that stage of completion has been injected into the development then the approved City funds will be made available and released proportionately based upon the approved source of funds (equity/financing/City funds). The calculation of the proportion to be advanced will reflect that the first 60% of funding is from non-City sources. Advances will be made in conjunction with financing advances or after proof of equity injections.

10. Owner applicants shall have no less than 25% equity based upon the appraised value of the property offered as security, including cost of improvements being financed. The 25% equity in the project shall be maintained throughout the term of the City loan. An accredited member of the Appraisal Institute shall complete the property appraisal prior to funding within a time frame acceptable to the City.

11. An administration fee of $500.00 per unit for developments under 50 units; $400.00 per unit for developments between 50 and 100 units and $300.00 per unit for projects under 100 units, is charged to the borrower and is eligible to be paid out of the loan proceeds.

12. Realty taxes must be paid current and in good standing throughout the development process, and during the term of the City loan.

13. Eligible existing buildings/vacant properties must be located in the Downtown Hamilton Community Improvement Project Area. Only class C/D commercial buildings with a pre-existing annual vacancy of not less 20% are eligible. Vacant lands include properties developed as parking lots.

14. Site Plan drawings in a form acceptable to the City must accompany the application form. Architectural renderings of the proposed completed development must also be submitted and must meet the objectives of the Downtown Hamilton Secondary Plan as determined by City staff.

15. Advances are made by the City, upon proof by a quantified surveyor or architect/engineer confirming the value of the work completed.

16. All costs associated with the conversion or renovations are to be borne by the applicant including construction, design, administration fee, appraisals, inspections, legal and registration fees. The City retains the right to assess the reasonableness of costs and which costs are eligible under the terms of the program.

17. Upon sale of the property the loan is due and payable upon closing. Upon refinancing of the first mortgage the loan is due in full or part if take out financing or refinancing takes place in an amount higher than the existing first mortgage.

18. Upon sale of individual condominium units, the City will be repaid $25.00 per square foot upon closing.

19. The proposed development must conform to the City of Hamilton Official Plan and Zoning By-law, and to the Downtown Hamilton Secondary Plan.

20. The City of Hamilton will require specific insurance terms to be met to protect the City's interest.

21. Deadlines for the submission and approval of buildings permits and construction start dates are established following a report to Council for approved applications.

HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM

DOCUMENTS REQUIRED

Personal

- Net Worth Statement
- Completed Application
- Two Years Income Tax Returns

Corporate

- Two Years Financial Statements
- Incorporation Documents

Liabilities

- Current Institutional Bank or Banks
- Lawyers Name and Address

The Property

- Site Plan or Survey
- Proposed Building Architectural Drawings
- Breakdown of Construction Cost
- Contracts in Place
- Original Purchase Price
- Current Registered Mortgages
- Details of Primary Construction Lending
- Details of Any Secondary Financing
- Appraisal (performed by A.A.C.I) Today's Value
- Appraisal Upon Completion
- Phase 1 Environmental Report
- Breakdown of other uses i.e. (commercial component)

Marketing

- Projected Rental Rates per unit or per sq foot
- Any Leases currently in place
- Letters of Intent to Lease
- Projected Expenses or Actual if Available
- List any Advantages of Leasing for the Property

HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM
APPLICATION FOR FINANCING

PERSONAL

Applicant's Name:
Address:
Telephone (Home): Business:
Date of Birth: S.I.N.
Spouse's Name:
Bank: Account:
Credit Cards:
No. of Dependents:
Employer:
Address:

BUSINESS

Company Name:
Address:
Telephone:
Date of Registration:
Name of Registered Shareholders:
Solicitor's Name:
Address:
Telephone: Fax:
Accountant's Name:
Telephone:

THE PROPERTY

Address
Date of Purchase: Purchase Price:
Appraised Value:
Current Mortgage Amount.
Rate: Term: Date of Maturity:
Secondary Financing:
Name on Title:

PROPOSED

Estimated Cost: Cost per sq. foot:
No. of Proposed Units:
Current Use:

Please provide survey or site plan.

HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM
APPLICATION FOR FINANCING

DECLARATION

I/We hereby grant permission to the City of Hamilton or its agents, to carry out the necessary inquiries for the purpose of determining my/our income, assets, liabilities and credit information.

Date	Signature
Date	Signature

HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM SECURITY DOCUMENTATION

The security documentation for the Hamilton Downtown Residential Loan Program was prepared specifically for the program by the law firm of:

Simpson, Wigle
Barristers & Solicitors
Suite 400
Commerce Place
21 King Street West
Hamilton ON L8P 4W7

Timothy Bullock

HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM SECURITY DOCUMENTATION

To ensure any Applicant understands the processing procedure and all terms and conditions of the loan, the Processing Procedures document should be provided to each Applicant and the application form completed with the terms and conditions of the loan signed prior to City approval. The terms and conditions of loan approval are not a loan commitment or an agreement to provide a loan. It is part of the application form to ensure that the Applicant understands upon what basis the City will be approving the loan and the types of terms and conditions that will be in the Loan Agreement to be prepared after Solicitor's office to prepare the necessary loan documentation and complete the necessary searches to secure the City's position. In addition, the Applicant is to provide all necessary information required to satisfy any conditions of the loan such as an appraisal, names of cost consultants, contractors, bonding information, insurance information and any other items required and recommended arising from the risk analysis.

The security documentation should be drafted to include all standard requirements of the loan program and any special terms or conditions contained in the Council approval or report to Council. The critical documentation would be a Loan Agreement and a Collateral Mortgage. This would be consistent with the loans done to date. The Loan Agreement adopts standard terms and conditions and any special provisions related to the loan. The Loan Agreement includes the principal amount, the terms of repayment, arrears and events of default. A standard form has been prepared and is presently in use. A Collateral Mortgage has also been prepared. It provides for remedies upon default and would normally be registered as a second charge upon the property.

In addition to the Loan Agreement and Collateral Mortgage security documentation would include a Resolution of the company, and Officer's Certificate, a legal opinion from the solicitor or borrower as to due execution of all documentation and authority. Dependent upon the risk analysis, there may be a personal guarantee required, performance bonds, letters of credit or security on other assets such as a family home. The additional types of security would depend upon the application and the risk analysis.

For purposes of searches to secure title, the following would be recommended:

- *Search of Title;*
- *Execution Search;*
- *Tax Search;*
- *Evidence of Building Permit;*
- *Evidence of Zoning Compliance;*
- *Confirmation that there are no outstanding Work Orders;*
- *Confirmation that any site plan agreement has been complied with;*
- *Fire Department search;*

- *Certificate of status for corporation;*
- *Bankruptcy search;*
- *GST search (priority may be claimed by Federal government in respect of arrears of GST existing at the time of registration of the mortgage)*
- *Subsearches should be done at the time of each advance and depending upon the lapse of time others of the above searches may be redone;*
- *There should be a lien holdback on each advance in accordance with the Construction Lien Act.*

Many of the searches to be done are with the City itself. To the extent a simplified process can be established such that an individual in each of the Building and Planning Departments are responsible for advising then written requests and fees would not have to be paid.

A miscellaneous item to be considered in risk analysis is the first mortgagee. If the first mortgagee is a private lender is the City satisfied with their due diligence and analysis. There is potential for fraud if it is a private lender and funds advanced by the City are paid to the private lender to keep the first mortgage in good standing. This would be particularly true near the end of a project which is when the City is stepping in with their funds.

Consideration should be given to having the City do cheques to the trades themselves. This is not an uncommon situation on construction projects. Some lenders do make the cheque payable to both the borrower and the trade. This should form part of your risk analysis as to whether this is a step to be completed dependent on the borrower's financial strength, experience and viability of the project.

Payment of trades and review of outstanding accounts is critical on large loans and requires a cost consultant or quantity surveyor.

HAMILTON DOWNTOWN RESIDENTIAL LOAN PROGRAM UNDERWRITING AND RISK ASSESSMENT PROCESS

To properly assess risk and underwrite any income property (residential or commercial) or potential condo conversion, the process must begin with the proper information accompanying the application. This information is used in assessing the risk and determining if the loan amount applied for falls within the income capability of the property. The underwriting approach should address the project from a financial, market and construction risk point of view.

To support the underwriting process, it is considered prudent to retain a Quantity Surveyor/Construction Cost Consultant to review:

A. The project budget and construction schedule proposed:

- at each advance to review cost to date;
- at each advance to review the timeliness of the proposed construction schedule.

An equally important consideration is the monitoring of the project as funds are advanced to ensure:

A. Loan funds are being used properly:

- Project schedule is on time;
- Cost over runs are being funded by borrower equity and/or primary lender loan increases.

Each of these elements of the process is detailed below.

A) INFORMATION REQUIRED

Background and complete disclosure of project ownership

At least three years of Audited or Review Engagement financial statements with the most recent year end no longer than nine months old. The statements are to be accompanied by explanation of any non-project assets, liabilities as well as income and expenses.

The project’s construction and soft cost budget.

A pro forma income and expense budget for the project.

A detailed construction schedule for the project.

Appraisal Report from a qualified appraiser acceptable to the City of Hamilton based on the completed project and using an income approach based on current market rents/values and capitalization rates.

At least a Phase I Environmental Report.

A resume of the construction team including architect, engineer, major trades, bonding and insurance company.

A copy of a construction and take out commitment from a financial institution acceptable to the City of Hamilton.

Personal and/or Corporate financial statement of any proposed guarantor.

B) FINANCIAL RISK ASSESSMENT

Review and assess projected income and expenses in relation to current market comparables.

Assess total construction and soft cost budget in relation to current market costs.

Ensure sufficient contingencies have been provided for in the construction budget.

Review the make up and confirm proposed borrower equity contribution meets the 25% requirement.

Assess market value of the completed project.

Confirm the project Loan to Value ratio (LN: Value), including the first mortgage conform to normal lending industry procedures.

Confirm that Debt Service Coverage Ratio (DSC), including the first mortgagee conform to normal lending industry procedures.

C) Ensure all environmental issues have been satisfied.

Assess the adequacy of construction and soft cost budget as well as contingencies.

Confirm that the proposed construction schedule is achievable.

Assess the financial strength and performance ability of the general contractor as well as all major sub trades.

Ensure adequate bonding is in place for the general contractor and key sub trades.

Ensure adequate construction All Risk Insurance is in place.

Determine key shareholders/guarantors have sufficient financial strength of fund cost over runs if required.

D) MARKET RISK ASSESSMENT

Assess projected rental/sales agent has sufficient experience/track record to achieve the projected lease up/sales.

E) MONITORING

Each advance to be accompanied by a breakdown of hard costs to date and costs to complete certified by an Engineer.

At the time of each advance, review the timing of the project construction schedule. Confirmation that any cost over runs have been funded by borrower equity and/or an increased construction loan from the primary lender.

A monthly report as to the current status of lease up/sales. Through a title subsearch, ensure any liens or executions have been discharged or removed.

If construction has not been completed after loans have totally advanced, to continue to be provided with a report of project costs to date and cost to complete certified by an engineer.

If construction has not been completed after loan has been totally advanced, to continue to provide an update of the construction schedule of the project.

After loans have been totally advanced and until repayment commences, to continue to be provided with a monthly report as to the current status of lease up/sales.

AFFECTS WARDS 13, 14 and 15

CITY OF HAMILTON

11.3

PLANNING AND DEVELOPMENT DEPARTMENT
Development Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	May 15, 2003	**Prepared by:**	Phil Strong (905) 546-2435

SUBJECT: **Sanitary Sewer Capacity – Dundas/Flamborough (PD03131) (Wards 13, 14 and 15)**

RECOMMENDATION:

(a) That the General Manager of Planning and Development Department be authorized and directed to lift the sanitary servicing allocation restrictions for all new development and redevelopment applications to be serviced by the Dundas Wastewater Treatment Plant on the basis that the plant expansion and diversion scheme has now been completed.

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The lifting of the restrictions on development will allow for growth within the Town of Dundas, the expanded Urban Boundary lands in Waterdown, as well as servicing to redevelopment projects in both communities.

BACKGROUND:

In 1996, Regional Council, under Report ENV 96-042, and Report ENV 98-121, imposed certain allocation restrictions on new development or redevelopment which would create capacity impacts to the sanitary flows in the former Dundas and Flamborough municipalities. These restrictions allowed the Region to issue sewer and water permits until such time as servicing capacity was no longer available in the Dundas Wastewater Treatment Plant. Restrictions were imposed to meet effluent criteria imposed by the Ministry of Environment's Certificate of Approval for the plant.

At that time, the Dundas Wastewater Treatment Plant was considered to be operating at approximately 85% of its rated capacity. The 85% figure was considered to be the plant's capacity, due to the significant fluctuations in the flow to the plant during wet weather conditions. A Class Environmental Assessment process was conducted to identify the preferred alternative determined to be plant expansion and a diversion scheme to direct flows from both Waterdown and Dundas to the Hamilton Wastewater Treatment Plant. These works have now been substantially completed and the expansion of the Urban Boundary in Waterdown has now been approved. (See Appendix "A").

ANALYSIS OF ALTERNATIVES:

N/A.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

A by-law has been passed to recover the cost of upgrades to the system and a Special Area Charge has been imposed on all new development applications serviced by the Dundas Wastewater Treatment Plant.

POLICIES AFFECTING PROPOSAL:

N/A.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

As part of the upgrades to the infrastructure in Dundas, the Legal Services Division recommended Council approval of a By-law to recover the costs of the improvements to allow further development in Dundas and Waterdown. A Special Area Charge is now being collected at the time of the issuance of all new building permit application received by the City.

Over the past two years, the Public Works Department has administered the contracts for the construction of the improvements and diversion. Improvements are substantially and satisfactorily complete for the Dundas Wastewater Treatment Plant which has been placed on maintenance.

CITY STRATEGIC COMMITMENT:

The lifting of the servicing allocation achieves the City's Strategic Goals which contributes to the implementation of Vision 2020 to ensure sustainable growth.

COMMENTS:

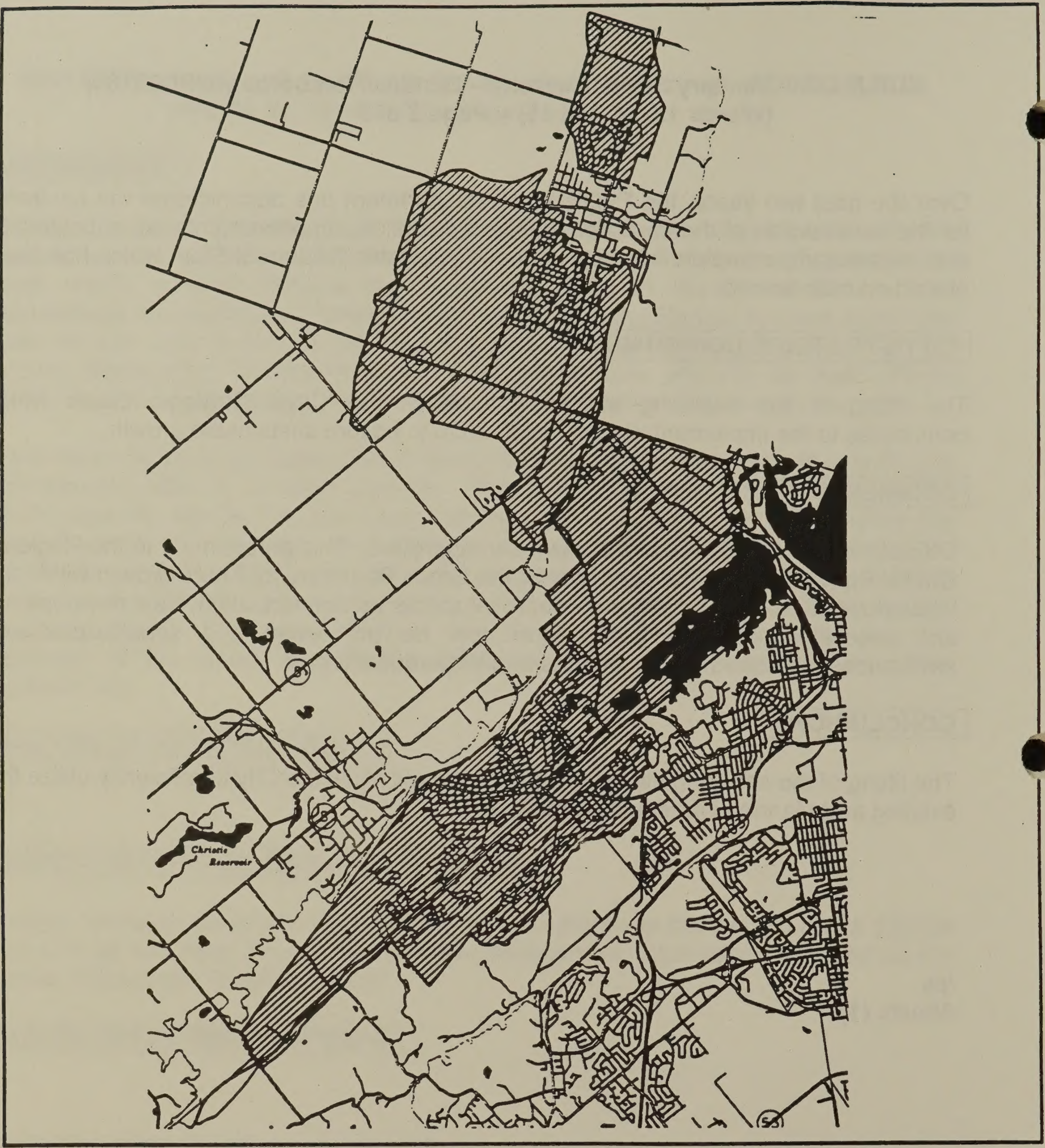
Official Plan Amendment 28 has now been approved. This amendment to the Regional Official Plan allows for the expansion of the Urban Boundary for future growth within the Waterdown Community. With the approval of this recommendation, new development and redevelopment applications can now be processed and subdivisions and severances registered for the Dundas and Waterdown areas.

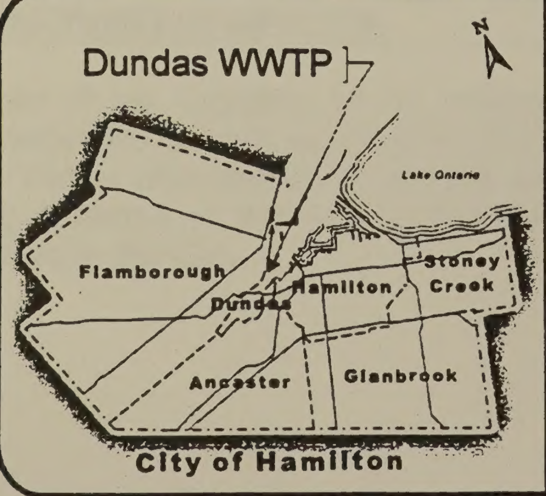
CONCLUSION:

The lifting of the servicing allocation restrictions will allow the City to efficiently utilize the existing and planned infrastructure facilities.

/ps
Attach. (1)

APPENDIX "A" TO REPORT PD03131


Christie Reservoir


Dundas WWTP
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

CITY OF HAMILTON
PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

LEGEND

▨ Area Serviced by the Dundas WWTP

Filename/number	E240-0804
Date	May 15, 2003
Technician:	PS
Map Not to Scale	
Appendix "A"	

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

11.4

PLANNING AND DEVELOPMENT DEPARTMENT
General Manager's Office

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	May 15, 2003	**Prepared by:**	Lee Ann Coveyduck (905) 546-4339

SUBJECT: Hiring of Temporary Staff to Facilitate Moving Forward with Divesting in Surplus Properties (PD03133) (City Wide)

RECOMMENDATION:

(a) That the Real Estate Section be authorized to hire four (4) FTEs and the Development Division be authorized to hire one (1) FTE as detailed in Report PD03133 for up to two (2) years to facilitate moving forward with the rezoning, declaration and sale of surplus properties.

(b) That the positions be self-funded through the sale of properties from the City's Capital - Property Purchase and Sale Account.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

In order to expeditiously move forward and dispose of the surplus City properties required to meet the 2003 Budget target, five (5) temporary staff for up to two (2) years are required in the Real Estate Section and Development Division to facilitate the process and disposition of surplus properties.

BACKGROUND:

As a result of City Council's direction to divest the City's interest in a number of land holdings to meet a projected reduction in operating costs of $1,000,000, the Real Estate Section will see its workload dramatically increased. Unfortunately these demands are in addition to an existing workload which severely taxes the already limited resources. Over the past few years the resources in this Department have been reduced from fourteen (14) FTEs to five (5). As a service department, the Real Estate Section responds to the needs of a number of line departments on a daily basis. At present, the efficiency in servicing these clients is experiencing some service gaps. Therefore, the request to sell hundreds of properties only serves to further exasperate existing inefficiencies.

The process of selling City-owned properties is lengthy and time consuming. In addition, each property has its own unique issues, which need to be recognized and dealt with by a Real Estate professional. This process involves the identification of surplus properties through departmental and agency circulation. Finally, Council reports are required to declare most properties surplus to the need of the organization. Only then can properties be marketed. Marketing can take place in the form of a tender, City led sale, request for proposals or sale through a contractual broker. In order to sort through this range of decisions, one requires knowledgeable staff who has the time to make the right recommendation for Council's consideration. In addition, appropriate rezonings of the properties, where applicable, should take place prior to the sale in order to recognize the appropriate land value.

In order to handle the workload associated with Real Estate sales required to meet the $1,000,000 target in operating savings, the following temporary staff for a period of up to two (2) years is required:

- The position of a Leasing/Rental Officer;
- The position of an Appraiser;
- The position of a Property Clerk/Administrative Assistant;
- The position of a Property Officer; and,
- The position of Planner – Development Division.

The annual cost of the five (5) positions would be approximately $245,000 plus benefits and equipment, if required. It is anticipated that these positions would be self-funded through the sale of properties.

ANALYSIS OF ALTERNATIVES:

Two (2) of the five (5) positions, namely the Appraiser and the Leasing/Rental Officer, could be contracted out rather than hiring temporary staff for up to two (2) years.

This option was not recommended because the average cost for the preparation of an appraisal report by an outside firm ranges from $5,000 to $12,000, depending on the complexity of the assignment. Under the provisions of Section 193 of the Municipal Act RSO 1990, prior to selling property owned by the City, an appraisal of the fair market value must be obtained.

It is also noted that within the last two (2) months, $50,000 has been spent towards obtaining appraisal reports. This is only the start. Staff has now encountered delays in obtaining appraisal services due to the individual firm's commitment on other assignments from the private sector. This has now created further delays for staff to proceed with obtaining market values and listing properties for sale. In view of the foregoing, these costs could be deferred towards hiring an Appraiser to assist in the preparation of the written reports and time-sensitive comments on value will reduce expenditures to the City by having this service performed in-house. The City will realize savings within the first few months and, in addition, would further reduce delays in marketing properties.

Similarly, it is more cost effective to hire on a temporary basis a Leasing/Rental Officer than to retain the services of a private firm on a case-by-case basis to deal with the majority of properties. There may, however, still be limited circumstances where the services of an outside appraisal or Leasing Agent will be used to expeditiously move a sensitive or unusual property forward.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

It is recommended that the following five (5) positions be created for up to two (2) years.

- Leasing/Rental Officer
- Appraiser
- Property Clerk/Administrative Assistant
- Property Officer
- Planner – Development Division

The approximate annual costs would be $245,000 plus benefits. The hiring of the noted positions would be self-funding through the identification and sale of surplus land.

POLICIES AFFECTING PROPOSAL:

- Section 193 of the Municipal Estate
- Disposal of Surplus City Land

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Finance Division of the Corporate Services Department was consulted concerning the funding source.

CITY STRATEGIC COMMITMENT:

This recommendation has Corporate-wide implications and is in keeping with the established goals of the City that spends wisely and invests strategically.

LAC:cad:lr

AFFECTS
WARD 2

CITY OF HAMILTON

11.5

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	May 15, 2003 1404-15	**Prepared by:**	Ron Marini ext 4178 Gord Moodie ext 3934

SUBJECT: **Downtown Hamilton Urban Development Bank (PD03106) (Ward 2)**

RECOMMENDATION:

(a) That Council authorize staff of the Downtown Renewal Division of the Planning and Development Department to further develop a Business Plan and Governance Model reflecting appropriately targeted criteria leading to the establishment of an Urban Development Bank.

(b) That funding support for the Urban Development Bank Project be authorized to a maximum of $25,000 to be funded from the monies allocated to the Urban Development Bank by the Hamilton Future Fund.

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The Mayor's Community Trustee Panel to Create a Permanent Hamilton Future Fund (Mayor's Community Trustee Panel), through City Council, has allocated $2.0 million to create an Urban Development Bank (Report FCS02027) plus $250,000 of one-time operating money in order to assist in rejuvenating Downtown Hamilton. The Mayor's Community Trustee Panel originally set the money aside for the Hamilton Downtown Partnership but on April 14, 2003, the Partnership advised staff that it had dissolved. For Council's consideration, consequently, Downtown Renewal Division staff would like to formulate an appropriate business plan with specifically targeted criteria leading to the creation of an Urban Development Bank. The Business Plan will outline a strategy to comprehensively fulfil the original requirements dictated by the Trustee Panel. In addition, the plan would describe governance regarding the administration and operation of the Urban Development Bank including appropriate financial policies and controls.

BACKGROUND:

In the spring of 2002, staff of the Downtown Renewal Division and later, the Hamilton Downtown Partnership, presented a request to the Mayor's Community Trustee Panel for funds to establish an Urban Development Corporation (Urban Development Bank). The Trustee Panel recommended to Council a conditional commitment to the Partnership. In addition, the Trustee Panel allocated monies to create a Business Plan. The Business Plan was drafted in December 2002 and was provided to City staff for review. The Business Plan is attached as Appendix "A" to Report PD03106. Staff could not support the Business Plan as it did not provide matching funds from the private sector which was recommended to the Trustee Panel by staff and the Business Plan was contingent on a contractual agreement to acquire Downtown Hamilton City-owned lands for one (1) dollar (See Appendix "B" to Report PD03106, letter from Lee Ann Coveyduck). The Partnership was of the view that matching funds were not required and that it needed access and ownership of some surplus City-owned property. These two (2) key points were conditions the Partnership could not accept. Recently, staff was advised the Partnership was dissolved (Appendix "C" to Report PD03106).

Downtown Renewal Division staff is familiar with the Hamilton Downtown Partnership. Division staff attended the Mayor's Community Trustee Panel meetings and the Steering Committee meetings that the Partnership held concerning the Urban Development Bank Business Plan. Independently, staff visited the Winnipeg Centre Venture in Winnipeg Manitoba, and the Lowertown Re-development Corporation in St. Paul, Minnesota in order to observe and discuss the operations of their Development Banks. In addition, staff conducted extensive research and analysis of The Empire State Development Bank in New York City, New York. Each of the aforementioned operations is unique depending on the respective circumstance and needs within each City; likewise Hamilton's Urban Development Bank should operate within the framework of Council's existing programs, vision, and the Downtown Secondary Plan.

It would be advantageous for the Urban Development Bank to work in concert with the Downtown Renewal Division as well as Economic Development in order to maximize the potential for Downtown Hamilton's urban revitalization. The Bank could build on existing financial rejuvenation programs as well as economic and marketing strategies. To this end, a Business Plan needs to be prepared for Council's consideration which plan will outline a strategy to comprehensively fulfill the original requirements dictated by the Mayor's Community Trustee Panel. Such a plan will also address governance and reporting mechanisms. The important principle will be that the Urban Development Bank must be a corporation arm's length from the City in order to provide flexibility in operations.

ANALYSIS OF ALTERNATIVES:

The alternative would be to refer the funds back to the Mayor's Community Trustee Panel for reallocation. This could result in the loss of an excellent opportunity to assist in the renewal of Downtown Hamilton. The Business Plan will also need to assess the most appropriate governance structure to support the principles upon which the Urban Development Bank will operate.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – Consulting and legal assistance fees which will be met by the $25,000 fund allocated from the Hamilton Future Fund. The matching fund requirement of the Mayor's Community Trust Panel has been confirmed by Budgets and Fiscal Policy. The Business Plan must meet this requirement.

Staffing – Downtown Renewal Division staff of the Planning and Development Department and Economic Development Department staff.

Legal – Legal Services Division will be consulted on an ongoing basis.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Economic Development Department and Corporate Services Department staff was consulted in the preparation of Report PD03106.

CITY STRATEGIC COMMITMENT:

The proposal for the creation of an Urban Development Bank would be consistent with the strategic goal of Hamilton as a city of growth and opportunity, a great city in which to live, and the goal of this city spending wisely and investing strategically.

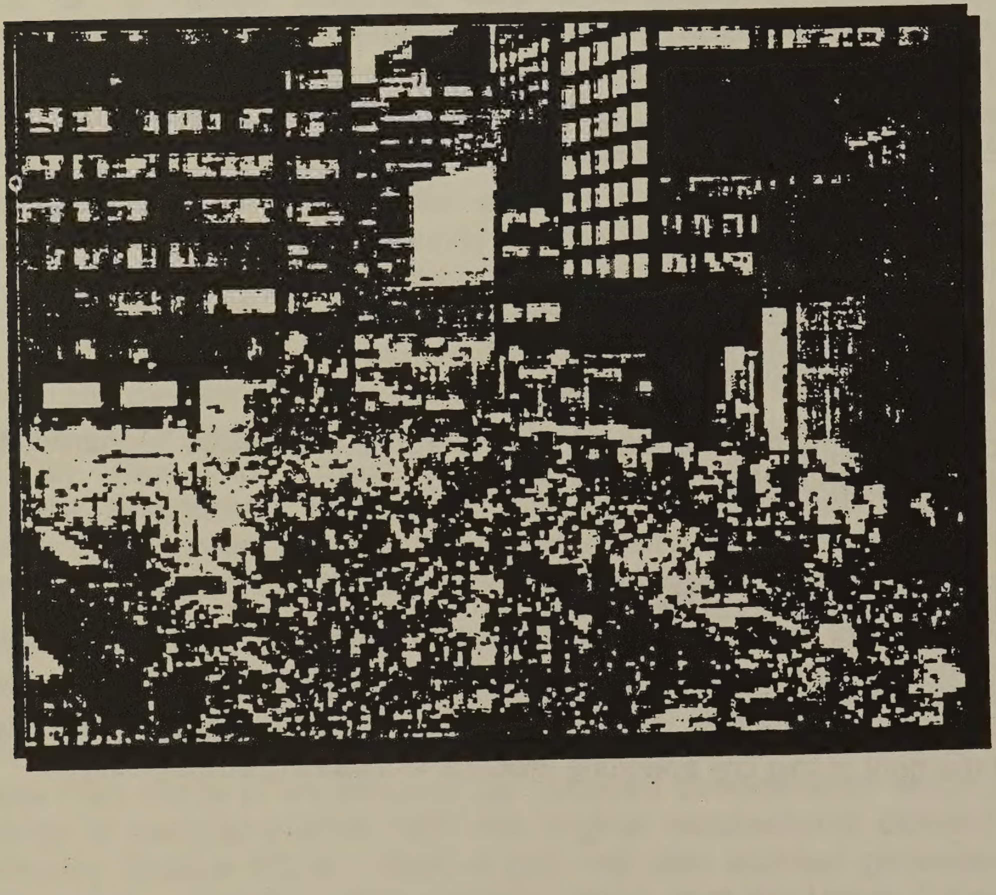
GM:jcs

Attach. (3)

DECEMBER 2002

HAMILTON DOWNTOWN VENTURE

START UP BUSINESS PLAN 2003



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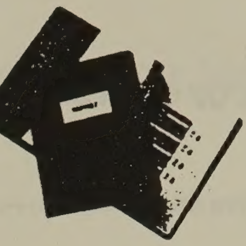
EXECUTIVE SUMMARY



The City of Hamilton is pursuing the use of a venture structure and approach to accelerate and expand efforts for the revitalization of downtown. The intent of the venture is to leverage public funds and assets into economic growth and vitality of the downtown area.

Hamilton has considered efforts of other communities, and is patterning its approach after the innovative structure taken by the City of Winnipeg.

The concept requires the establishment of Hamilton Downtown Venture, with its four major roles being:

1. To act as an Urban Development Bank
2. To act as a Realtor/Developer
3. To raise additional funds for operations and/or the urban development bank
4. To act as a resource to others in downtown revitalization activities.

The urban development bank will be structured to facilitate gap borrowings by individuals who currently own downtown properties and/or who wish to redevelop properties into active facilities. The funds to be lent will be protected through a security position in the property.

By taking on a realtor/developer perspective, Hamilton Downtown Venture can be actively involved in amassing properties to facilitate larger developments or to make certain projects feasible.

The Venture will leverage existing financial incentives and programs offered by the City, while also expanding beyond their specific parameters. There are other opportunities to assist the revitalization efforts. Venture will represent these and add momentum to the combined efforts.

The activities make Hamilton Downtown Venture an active participant in downtown revitalization. The objective is to facilitate revitalization of Hamilton's downtown core through supporting development of existing and future properties to create an exciting and dynamic downtown enjoyed by those who work, live and visit the City of Hamilton.

The outcomes of the Venture are aggressive and will be measured by:

- Increase in economic activity in small to medium sized projects in the mandated area
- Increase in value of assessment in the area of focus
- Reanimation of abandoned/derelict properties in the focus area
- Amount of other funds raised for use in the development bank or towards operations
- Downtown is characterized as a dynamic and vibrant place.

INTRODUCTION

Hamilton Downtown Partnership has investigated options to support revitalization of the downtown of Hamilton. One model that has been studied and found to have application within Hamilton is the City of Winnipeg's *CentreVenture.*

The Winnipeg Experience

City Council of Winnipeg created Center*Venture* Development Corporation in 1999. A small group of private sector community leaders and one elected representative was charged with the task of identifying a sustainable model for downtown planning and revitalization. In addition, the model had to coordinate with present and future public and private sector initiatives to conform to an overall development plan for downtown Winnipeg. Concurrently, a CentrePlan Development Framework was created which was a visual outline of development directions and opportunities for the downtown area.

In start up, *CentreVenture* decided to function in three capacities:

1. Urban Development Bank – seeded by $3 million from the City, and asset agreement;
2. Marketing and Information Bureau;
3. Design Review Committee.

The City agreed to provide $250,000 in annual funding to *CentreVenture* for three years.

CentreVenture has been successful in stimulating economic activity in small to medium sized projects within the mandated area. This was achieved through loans from the urban development bank and through the benefit of a downtown heritage tax credit program that was implemented. In the first year, *CentreVenture* was involved as a facilitator by providing financial assistance to properties undergoing $24 million in redevelopment and restoration costs. Additionally certain of the non-performing properties that had been transferred by the City to *CentreVenture* through the asset management agreement had been sold or leased. Optimism for the future has been created by the level of activity and with the vision being brought to life. The City of Winnipeg is proud of its achievements to date.

CentreVenture continues to sustain the activity. A new initiative is facilitating private and public sector stakeholders to examine how development progress can be maximized while respecting the needs for the City's zoning, development procedures and design review processes.

In April 2002, Winnipeg City Council adopted the recommendations of the executive committee to add $7 million to the *CentreVenture* Fund over the next two years, to renew the operational funding agreement for an additional four years to support the mandate as stated in the start-up business plan of 1999, and to expand the boundaries of the organization beyond the original defined downtown area.

The Hamilton Imperative

It is imperative for Hamilton to move forward in a quickening pace for the benefit of the entire New City of Hamilton. Improvement to the core of the City is needed for the benefit of all stakeholders, residents, private sector, and public sector. Many of the elements of *CentreVenture* will be modified and adopted in Hamilton.

The goal of Hamilton Downtown Venture is to support the City of Hamilton's vision:

"The new City of Hamilton is a safe, healthy, sustainable community and a great place to work, live and play in, offering residents and businesses growth and opportunity."

It is a city of diverse communities, led by Council, which together with staff, spends wisely and governs in an open and accessible manner.

It is requested that the City of Hamilton support this Venture for a two year period with an option for further years of support dependent on Venture achieving results that benefit the City. The performance measures may consider the number of deals consummated by Venture, the quality of projects and contribution to economic development in the downtown area. This needs to be considered even if Venture itself may operate at a loss.

THE BUSINESS CASE

As stated in the Downtown Hamilton Secondary Plan: *"Over the past several decades, Downtown Hamilton has suffered from suburban competition and a variety of well intentioned, but misguided development initiatives. While these conditions have taken their toll, the future of Downtown Hamilton need not be bleak: its existing assets hold tremendous potential to create an animated and active district that is linked to its past; where living, walking, shopping and working are a pleasure; a destination to go to rather than an area to travel through."* (City of Hamilton Downtown Secondary Plan: Design Strategy, pg 1; Urban Strategies, July 1999).

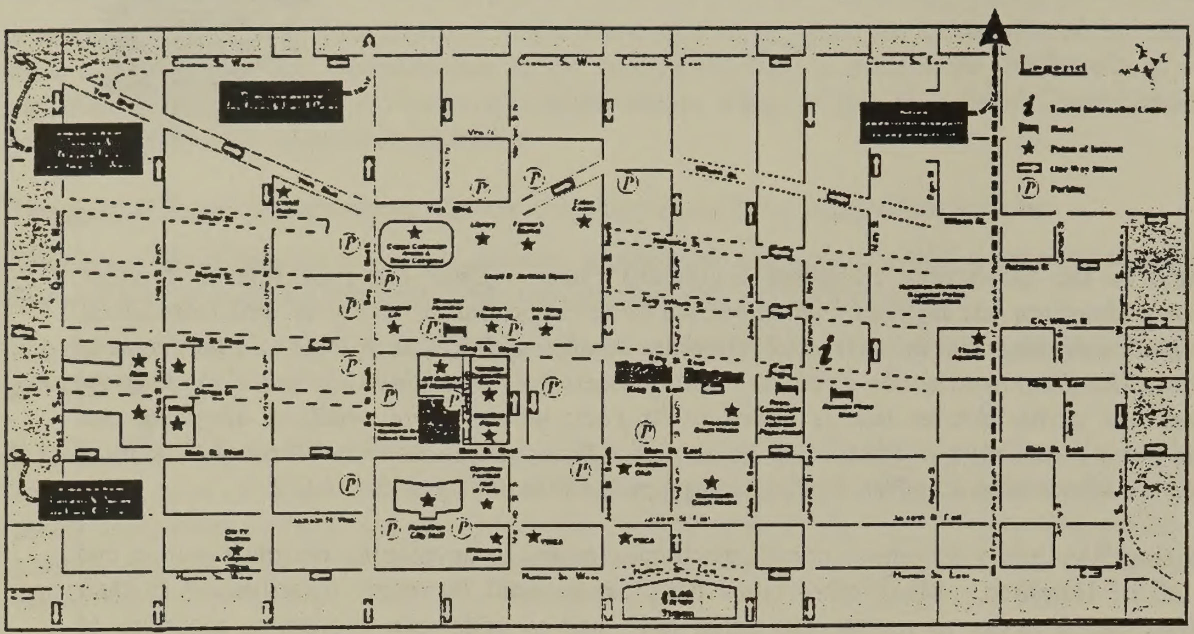
Revitalizing Hamilton's downtown core is a critical element to developing optimism within and across all of Hamilton. Many other cities have experienced the same deterioration to their downtown and in order to reverse the trend, have had to undertake aggressive programs of revitalization.

The opportunity, in addition to revitalizing Hamilton's downtown core, is to leverage the experience and success of another municipality's experiment, and to leverage public sector funds to generate a return to the City.

The Hamilton model will require City of Hamilton to establish an arms-length organization for the purpose of using venture activities in regenerating downtown Hamilton. This organization will be called Hamilton Downtown Venture. Venturing activities will include collaboration and partnerships with the private sector, redevelopment or sale of properties, operating an urban development bank, collaborating with other stakeholders to create activity, optimism and improved economic well being of the downtown core.

It is necessary that the City of Hamilton seed this organization with initial funds of $250,000. These funds will be used for the purposes of hiring staff to execute on the role and mandate, to develop a detailed business plan to guide the Hamilton Downtown Venture for the three-year period of 2003 to 2005, as well as establishing processes for the Urban Development Bank. It is important for the City to recognize that a commitment to provide operating funds in the magnitude of $250,000 per year is needed. Additionally, the City is asked to provide a contribution of $2 million for the urban development bank, and a land use agreement providing the right to City owned properties for purposes of selling, and/or redevelopment. Proceeds on sales or leasing of these properties would accrue to Hamilton Downtown Venture.

Hamilton Downtown Venture will have as its primary focus the area that is discussed in the Downtown Hamilton Secondary Plan – Putting People First, an area generally bounded by the streets of Queen, Victoria, Hunter, Cannon. Hamilton Venture will also work with projects in the adjacent neighbourhoods to this area and will consider projects that have direct alignment to benefit the downtown such as West Harbour.


Legend
Tourist Information Centre
Hotel
Points of Interest
One Way Street
Parking

Downtown Hamilton, Ontario, Canada

VISION, MISSION, VALUES

Vision

Hamilton Downtown Venture has the following vision:

Hamilton Downtown Venture will facilitate revitalization of Hamilton's downtown core through supporting development of existing and future properties to create an exciting and dynamic city centre enjoyed by those who work, live and visit the City of Hamilton.

Mission

The mission of the organization is:

Hamilton Downtown Venture is an enterprise supporting the revitalization of downtown Hamilton for the benefit of the community.

Hamilton Downtown Venture will support development opportunities including residential facilities and commercial properties in Hamilton's downtown area including property projects aligned with improving the downtown.

Hamilton Downtown Venture will support development through its own activities or through financial support of others.

Financial success of Hamilton Downtown Venture will accrue to the City of Hamilton.

Values

Hamilton Downtown Venture will honour the following values in the conduct of its business and its relations both internally and externally with the City, the business community, and stakeholders:

- Operating with integrity
- Accountability to stakeholders
- Operating with fiscal responsibility
- Open and effective communication
- Appreciation for quality in initiatives and projects
- Support public/private partnerships.

ROLE AND PRIORITIES

Role

Hamilton Downtown Venture will have four primary roles:

1. Urban Development Bank
2. Developer, realtor
3. Raising funds (partnership development)
4. Resource.

1. Urban Development Bank

Purpose: act as lender for gap financing or lender of last resort to qualified projects

Why: provides solution to the business reality that owners are not able to fully borrow for properties in downtown Hamilton

Execution: process for making credit decision, take security position in project.

The Urban Development Bank is key to development in the downtown. It is generally understood that companies and individuals who wish to purchase, redevelop or refurbish property in downtown Hamilton face difficulties in obtaining the necessary credit facilities from the banks. The Urban Development Bank can become the source for gap financing or lender of last resort. Processes and procedures need to be established to ensure that the credit granting follows a due and credible process and that the security taken by Hamilton Downtown Venture is sufficiently robust to protect the interest over the property. As is the experience in Winnipeg, there is little absolute dollar risk to the transaction given the security position and the access to information to enable Ventures to closely monitor the situation.

The Urban Development Bank will be seeded with $2 million of funds from City of Hamilton.

2. Realtor/Developer Role

Purpose: return non-performing properties to tax paying by being active in their sale and/or development

Why: provide a return to the City through the tax roll and to set an example in development

Execution: City assigns non-performing properties through asset agreement, where properties sold the funds are added to the urban development bank.

Having the responsibility for turning non-performing surplus properties in the focused area into performing tax paying ones will require Downtown Venture to act in a realtor/developer role. The technique requires the City to option all surplus (present and future) properties in the mandated area under an Asset Agreement to Downtown Venture. If properties in this inventory are sold, the proceeds are used by Downtown Venture to fund operations including the Urban Development Bank. Also Downtown Venture could decide to lease properties.

3. Partnership Development

Purpose: generate funds from other funding bodies for use in operations or development bank

Why: leverage Hamilton's public funds towards additional funding

Execution: identify, advocate and access funds from other government programs that are aligned with the purpose and initiatives of Venture.

Downtown Venture will take on a fundraising role through identifying, advocating for, and accessing funds from other government bodies for use in Downtown Venture's operations and/or the Urban Development Bank.

This role will work to leverage historical components, other City departments, partnerships with other government bodies and programs supported by them, as well as private sector opportunities.

4. Resource

Purpose: act as a resource by being knowledgeable of the local situation.

Why: will provide momentum by sharing knowledge of local constraints, resources, make introductions

Execution: introduce interested parties to opportunities and share knowledge on requirements of the local situation.

Downtown Venture will be a resource to others for assisting in furthering the progress of Hamilton's downtown. The organization will be a facilitator for projects, for discussions, for debate, for improvements to processes. This will include acting as a consultant to assist and to promote developments.

Priorities

The priorities for Downtown Venture in undertaking these roles will be to:

- Increase the economic assessment of Hamilton's downtown (an increase in tax base)
- Increase the upscale residential and commercial component of Hamilton's downtown
- Make the downtown attractive for tourism and recreational activities
- Create a vitality and optimism in the downtown that can be shared and provide reward for all of Hamilton.

RELATIONSHIP WITH CITY OF HAMILTON AND EXISTING PROGRAMS

Relationship with City of Hamilton

Hamilton Downtown Venture will be governed by a Board of Directors comprised of a majority of Hamilton business people, along with appointed representatives from the City.

There are important elements that need to be present for this Venture to have a chance at success:

- Arms-length from City Hall
- Sufficient funding
- Commitment to operate on a business like basis
- Processes which are objective and can withstand public scrutiny
- Observance of accountability to the taxpayers of the City
- Processes have integrity and respect the mandate of the organization
- Decision-making is based on full information and are made in the context of the principles of what Downtown Venture is to achieve.

Existing Programs

The City of Hamilton currently offers financial incentives to encourage development and redevelopment of existing properties in the Downtown core. There are three primary programs:

1. Enterprise Zone Municipal Realty Tax Incentive Grant Program
2. Hamilton Downtown Residential Loan Program
3. Commercial Property Improvement Grant Program.

The Enterprise Zone provides relief on the increased municipal tax burden for redeveloped properties. The program applies to residential and commercial improvements on vacant properties existing at a certain date, and to existing buildings with annualized vacancy rates of a least 50% or hotels with annualized vacancy rates of 50%.

The Residential loan program offers funds to be utilized towards the capital costs of converting existing commercial space into apartments, construction of new apartments and assistance in the renovation of existing units. The loan amount has an upper limit of $20 per square foot and the City will commence advancement of the funds once there is 60% of funding from non-City sources (at least 25% in the form of equity from the owner). The program is also limited to class C/D commercial buildings with pre-existing annual vacancy of not less than 20%.

The Commercial Property Improvement Grant is a fund of approximately $250,000 to be provided against the cost of façade improvements in commercial properties that are within the 11 BIAs.

Summaries on each of these programs are provided in appendix A.

The objective of Hamilton Downtown Venture would be to leverage these programs, as well as fill in gaps that exist, and expand beyond these opportunities. For example, while the enterprise zone is attractive for relief on future payment of realty taxes, it does not provide capital to fund the improvements. While the residential loan program does provide capital, it is restricted to residential space and restricted to specific dollar amounts per square foot and buildings must meet the vacancy requirements. Therefore, commercial projects cannot receive assistance in the form of capital. While it is important that the City, in fulfilling its public accountability, has a rules based approach to encourage redevelopment, Venture can utilize a principles based approach.

In discussions with City staff, it was identified that there are mortgage gaps for developers as well as limitations on funds for construction financing currently provided by banks. The City is also interested in programs that could assist hotels in their redevelopment.

In addition to providing support as noted above, the City would like programs that support heritage properties in their unique challenges. Another avenue of assistance is for Venture to be a land broker and finance broker to help projects move forward.

The City has also identified the need for programs such as street beautification.

The City acknowledges that the current financial programs provided by the City do not offer sufficient support for all that needs to be done to achieve the desired level of revitalization of downtown.

CORPORATE STRUCTURE AND GOVERNANCE

Corporate Structure

There are different legal structures that could be utilized for Hamilton Downtown Venture. The selected structure should provide for:

- operations to be conducted in a business like manner
- encourage the organization to maximize the benefit for the taxpayers of the City of Hamilton which implies being able to make profits
- the organization be eligible to receive federal and provincial grants
- provide freedom and flexibility to act
- provide an environment to attract and retain high caliber staff
- avoid the outflow of cash on income earned such as through income tax, and
- a degree of control desired by the City.

Based on initial research that has been conducted, it is recommended that the City of Hamilton pursue a business corporation structure, particularly a tax-exempt municipal corporation. This requires that 90% of the corporation's structure be owned by the City and 90% of income generated is by activities carried on inside the boundaries of the City.

Being the controlling shareholder provides the City with the ability to control the corporation. This will be exercised through various means such as Board appointments being at the discretion of the shareholder, the shareholder establishing targets for the corporation to meet, and establishing the protocol of reports to the City on results achieved and progress on business plans.

Governance

It is important that Hamilton Downtown Venture have an organization structure that makes it nimble and allows it to be proactive in causing opportunities for revitalization to occur. As a result, it is recommended that the organization have a Board of no more than eight people.

The Board should be comprised of community leaders who can ensure Venture achieves its desired results. Skills and knowledge that may be desirous in the Board composition could include:

- property development (ideally in the form of a developer who does not focus on downtown so as to prevent conflict of interest)
- retailing and/or commercial office operations
- urban design
- municipal priorities (this will likely be in the form of an appointee from City council).

The focus of the Board will be on governance, and therefore the Board may choose to have a schedule of quarterly meetings after a certain start up period.

Certain skills will be hired as part of the Ventures' business processes, ie. legal, accounting, corporate finance/lending.

In terms of staff in the Venture, it is expected that there will be a Chief Executive Officer who will report to the Board of Directors.

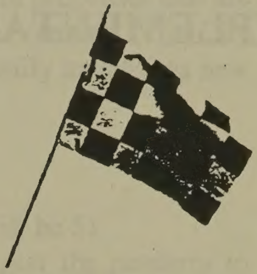
START-UP

The tasks to be executed to initiate Hamilton Downtown Venture and its mandate, and a draft timeline for these follow:

Task	Deadline
Appoint interim Board of Advisors	October 2002
Review draft start up business plan with stakeholders	December 2002
Present business plan to council	December 2002
Determine corporate structure and execute	January 2003
Appoint permanent Board of Directors	January 2003
Appoint interim staff	January 2003
City identifies property for transfer/designate to Downtown Venture	January 2003
Search and appoint CEO	March 2003
Receive annual funding from City	March 2003
Develop action plan complete with tactics, deadlines, budget	May 2003
Present action plan to council	May 2003
Receive urban bank funding from City	May 2003
Finalize any agreements, protocol with City	May 2003
Investigate and approach other levels of government for financial contribution to operations and/or the urban development bank	May 2003
Commence business plan actions	May 2003
Review progress against start up plan with Council	December 2003

While this business plan provides direction on the Venture, it does not present all the operational elements. It is important that a CEO be recruited and held accountable to developing the specifics including a detailed budget.

DELIVERABLES AND OUTCOMES



Deliverables

In order to provide direction and intent for the Hamilton Downtown Venture, expected deliverables for the first year are outlined below.

Urban Development Bank

- Prepare terms of reference for the use of $2 million in the Urban Development Fund and processes to utilize the funds
- Assist current owners and appropriate projects.

Developer, Realtor Role

- Transfer rights to City-owned land and buildings under an asset management agreement to Hamilton Downtown Venture (without the transfer of liability)
- Commence the movement of non-performing City-owned properties in the focus area to be developed and back on the City's tax rolls.

Raising Funds

- Identify and arrange for funding from other government sources for the Urban Development bank or for operating purposes of Hamilton Downtown Venture.

Resource

- Communicate with the City and stakeholders, the progress achieved on Venture's vision
- Collaborate in the promotion of downtown Hamilton with a view to attracting new businesses
- Network with property owners to encourage development.

It is expected that the Venture will provide semi-annual reporting to Council on progress being made and achievements.

Outcomes

Success of Hamilton Downtown Venture will be measured by:

- Increase in economic activity in small to medium sized projects in the focus area
- Increase in value of assessment of the downtown core
- Reanimation of abandoned/derelict properties in the focus area
- Amount of other funds raised for use in the development bank or towards operations
- Downtown is characterized as a dynamic and vibrant place.

IMPLEMENTATION ELEMENTS

The four key roles of Venture were outlined earlier in this business plan. Within each of these roles are elements that need to be implemented.

Urban Development Bank

The objective of the Urban Development Bank is to leverage public and private resources into improvements to the downtown.

Elements to be incorporated into the Urban Development Bank processes include:

- vehicles used will include loan guarantees and gap financing
- a credit underwriting process will be developed which will be applied to all requests
- the Urban Development Bank will be a bank of last resorts – processes to ensure that borrowers have first prudently sought other financing will be developed
- limits to any one borrower will be established
- minimum equity positions of borrowers will be established
- interest rates reflecting risk adjusted return to be determined
- maximum length of repayment to be determined
- security to be taken on all situations
- security acceptable will be the property – no greater than a second mortgage position
- Hamilton Downtown Venture will be kept apprised of status of insurance and property tax on the relevant properties and will have direct access to such information at its option
- Fees to be levied for provision of financing to be considered.

Realtor/Developer Role

The objective in assuming a realtor/developer role is to leverage the potential of properties owned by the City of Hamilton into successful residential or business developments. This may be through self-development of the property, joint development with a private or public sector organization, or leveraging the property into cash to put additional funds into the urban development bank. The objective is to move non-performing City-owned properties in the mandated area into a developed and operating status and back on the City's tax rolls.

This will be facilitated through an asset management agreement with the City to transfer properties to Hamilton Downtown Venture but without the transfer of liability for the property.

This role will also consider leasing options for space redeveloped to be used by end users or to be used by other developers in providing amassed space for potential tenants.

The City of Winnipeg Asset Management Agreement with *CentreVenture* will be reviewed for modification and adoption by Hamilton. It is anticipated that the transfer of properties will not be immediate, as Downtown Hamilton Venture does not wish to assume costs and responsibility of operating and managing the properties. Ownership shall be left with the City until such time as

Venture identifies a sale or use of the property. However an asset management agreement will be prepared at the outset of Hamilton Downtown Venture and will include a list of properties that are identified as fitting within the mandated area and therefore available to the Venture. The City will not take action on the properties once identified. The list will be continually updated as new properties are assumed by the City within the area of focus.

Elements of the asset management agreement:

- Price when property moved from City to Hamilton Downtown Venture will be $1
- The agreement will reflect that Hamilton Downtown Venture will market the property to prospective purchasers with a profit objective at a fair price
- Ownership of property remains with City, subject to Asset Management Agreement with Hamilton Downtown Venture, until end use or sale, then transfer and funds accrue to Venture. During that time, City remains responsible for costs of maintaining the property
- Hamilton Downtown Venture can identify potential tenants for projects. Funds on leasing to accrue to Venture less the direct costs incurred by the City in operating the property.

Raising Funds

Hamilton Downtown Venture will identify and arrange for funding from other government sources for the Urban Development bank or for operating purposes.

Approaches will be made to other levels of government where the downtown revitalization project fits within the mandate of initiatives sponsored by those agencies. This could involve projects involving historical buildings, housing, urban redevelopment, etc. An economic and social benefits business case will be produced to support this activity. Venture will also work with the provincial and federal governments to develop new initiatives that will support municipalities in their downtown initiatives.

The business case to the provincial and federal government will consider new employment information, as well as gains in sales taxes that will accrue to those levels.

Resource

Hamilton Downtown Venture will take a role in communicating to the community the objectives of the revitalization program. Venture will also assist community-based organizations in realizing value out of currently owned properties.

Additionally, Venture will act as a facilitator to connect current and prospective owners of properties in order to develop or make useful existing properties economic contributors. This will include acting as a consultant to assist projects. This may involve activities as follows:

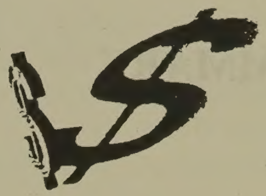
- Call on local professionals to construct elevations, plans, planning help, or help on other necessary issues required by the City, or funders. Many small property owners do not know who, or what, professionals they need
- Approach owners with requests to develop, or improve, their properties and offering startup help.
- Assisting owners in understanding available assistance programs, and set them up with City Hall staff so that the person is not overwhelmed and confused. People need help to deal effectively with City staff. The City staff are there to process, under a list of defined requirements, projects that come to them. Seldom do they have time to provide comprehensive advice, nor is it their job. If City staff can be provided with a logical plan that meets the basics of zoning, and building bylaws, they can be supportive.

Also, Venture will promote downtown Hamilton to attract new business. Venture will also lend its support to those activities led by other organizations that will benefit revitalization of downtown Hamilton.

Charges and Fees

In appropriate circumstances, Venture could retain an interest in the property in consideration of its efforts towards bringing the development team together. On those occasions when title did not transfer from Venture to a developer, the City could require as a condition to acquisition of the property by the developer, that there be a contribution towards the operating costs of the Venture. Alternatively, Venture may charge a fee for service. It is fundamental that any charges and fees will be within the provisions of applicable law.

FUNDING



Winnipeg's *CentreVenture* was provided with $250,000 in seed money from the City to hire a chief executive officer and for the development of the business plan. For the first and second year of operations, the City provided operating funds of approximately $250,000 for general operating costs and a further $250,000 for specific programs. Appendix B presents the finances for the Winnipeg venture.

It is expected that a similar level of funding will be required for Hamilton Downtown Venture.

Discussions with the City have suggested support for this Venture for a three year period. The three year period presents a time frame to attract the calibre of staff needed and provides a sufficient period of time to establish credibility and stability.

Alternatively, the City may wish to support a two-year term with an option for further years of support subject to successful achievement of certain targets.

It is hoped that Venture could work toward being self sustaining in the future.

SUMMARY

Hamilton Downtown Venture represents an opportunity for Hamilton to take an aggressive stance with downtown revitalization while working with, and partnering with, other organizations such as the City's Downtown Renewal Division, Tourism Hamilton and the BIAs. Venture is a vehicle that allows direct involvement with the activity that is needed for the benefit of the entire City. Venture represents the ability to leverage current City assets to produce greater economic benefit for the City and to transform dormant non-productive assets into revenue generation.

Appendix C to this plan sets out the role of the interim advisory panel to this project. Appendix D outlines the tasks that need to be undertaken prior to corporation and implementation of the Venture.

APPENDICES

Appendix A: Existing Financial Incentive Programs In Hamilton Downtown

Appendix B: Funding of Winnipeg's *CentreVenture*

Appendix C: Role of Panel

Appendix D: Tasks Prior to Start of Corporation

APPENDIX A

EXISTING FINANCIAL INCENTIVE PROGRAMS IN HAMILTON DOWNTOWN

There are three primary programs that are currently operated by the Downtown Renewal Division of the City of Hamilton.

1. Enterprise Zone Municipal Realty Tax Incentive Grant Program
2. Hamilton Downtown Residential Loan Program
3. Commercial Property Improvement Grant Program

The following information was taken from material supplied by the Downtown Renewal Division and applies only within the Downtown zones stated. Further information or more details can be obtained directly from the division which is located at One James Street South, 8th Floor, contact Ron Marini, Director. The division is part of the City's Planning & Development department.

Enterprise Zone

Intent: To provide an economic catalyst for developing, redeveloping or renovating residential/commercial lands and buildings located within the Enterprise Zone (defined as the Downtown Hamilton Community Improvement Project Area). Program is to stimulate new development and redevelopment of vacant or under-utilized commercial lands and buildings.

Structure: Subject to council approval of an application, a nine year grant in an amount not exceeding the increase in municipal realty taxes as a direct result of the development/redevelopment of the land and/or building. Grant cannot exceed 100% of the municipal realty tax increase in first five years, 80% in year 6, 60% in year 7, 40% in year 8, and 20% in year 9. Grant may be received in conjunction with any other available municipal program (excluding Hamilton's tax incentive program for designated commercial/industrial buildings). The upper limit of the total of the nine years of the grant is not to exceed the costs of the property's development/redevelopment.

To be eligible for the grant, approval by City council must be obtained before the commencement of the improvements. The applicant must provide plans, estimates and other details in the application to council. The project must conform to the objectives of the Downtown Hamilton Community Improvement Plan. Plans must be in compliance with by-laws, zoning, heritage matters, etc. Also, for existing building to qualify, the building must have at least a 50% annualized commercial/residential vacancy rate.

Of note is that the City has a list of buildings of heritage interest. Projects will not qualify for funds if a building of heritage interest is destroyed.

Hamilton Downtown Residential Loan Program

Intent: A catalyst for stimulating residential development within Downtown Hamilton as defined by the Downtown Hamilton Community Improvement Project Area. Provides financial assistance for converting existing commercial space into apartments or renovations to bring existing apartments into compliance with the property standards by-law and fire code. Also, provides incentive to create new residential units on vacant land.

Structure: The City provides financial support through loans subject to the project meeting the principles and design themes of the Downtown Hamilton Secondary Plan. The loans bear interest at 0%, have a term of up to 5 years, and are registered as a second mortgage on the property. Payments on the loan commence one year after completion of construction. The maximum loan amount is $20 per square foot of habitable floor space (where the City decides what is habitable floor space). Funding will commence at 60% completion of construction and following the injection of equity and other financing.

Criteria for the loan program include: only class C/D commercial buildings with a pre-existing annual vacancy of not less than 20%. Vacant lands include properties developed as parking lots.

Currently, $7.5 million has been loaned out (to 5 different borrowers) and there is an additional $2.5 million waiting for detailed plans. A further $10 million is expected to be added to the program. Currently, the smallest loan is $290,000 for 12 units. There are no limits in dollars provided to any one project.

Commercial Property Improvement Grant Program

Intent: Provides financial assistance to encourage improvement of facades and entrance features of commercial properties.

Structure: The city provides financial assistance to commercial property owners and owner-authorized tenants within the City's 11 BIAs. The financial assistance is provided by way of a grant.

Funds committed to this program for 2002 were $250,000 ($190,000 was actually allocated in 2002) and are expected to be $250,000 for 2003. There are discussions underway to increase the dollars available to $1 million and provide the funds by way of loan rather than grants. Therefore, 2003 will be last year of grant program.

APPENDIX B

FUNDING OF WINNIPEG'S CENTREVENTURE

Seed money of $250,000 was provided by the City of Winnipeg in 1999 – these funds were used for the salary of the CEO, for development of the business plan, set up the office and hire an assistant.

Following is a summary of finances for *CentreVenture* for fiscal years 2000 and 2001.

	2000	2001
Source of Funds		
City of Winnipeg	$2,950,000	$ 435,000
Province	250,000	250,000
Sale of property	360,000	670,000
Interest	163,000	245,000
Other	100,000	329,000
Total	**$3,823,000**	**$1,929,000**
Funds used for		
General, administration	289,000	298,000
Professional fees	281,000	196,000
Capital costs		192,000
Performance incentives		59,000
Project development		74,000
Bad debts		22,000
Other	13,000	25,000
Total	**$583,000**	**$866,000**
Net	**$3,240,000**	**$1,063,000**

APPENDIX C

ROLE OF PANEL

Hamilton Downtown invited business individuals and city representatives to act as a panel to oversee the development of Hamilton Downtown Venture. The role of this group was to:

- Review the start-up business plan for the Venture
- Review the governance model for the new Venture
- Make suggestions for appointment of Board members/Board composition
- Provide advice on structure and goals for the Venture
- Provide counsel for the execution of the tasks to be undertaken prior to start up of the new corporation.

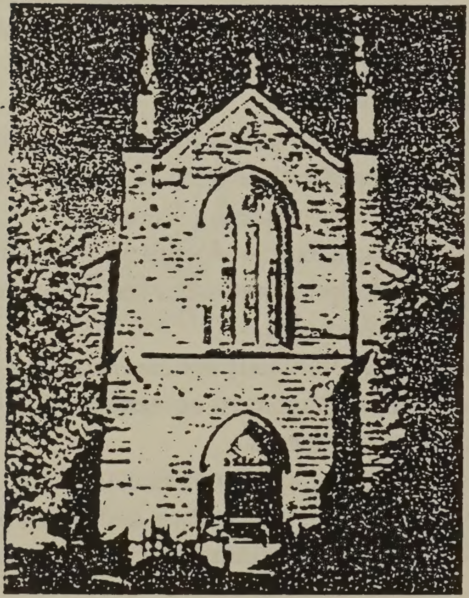
APPENDIX D

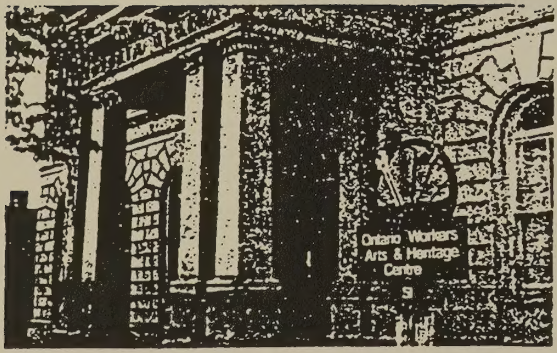
TASKS PRIOR TO START OF CORPORATION

The following actions will need to be undertaken prior to the corporation being ready to start business:

- Identification and implications of options of corporate structure (profit, non-profit)
- Research into tax position (intent is to minimize tax impact)
- Development of by-laws
- Development of governance model including role of the Board, Board composition
- Prepare an organization chart for Venture vis a vis the City of Hamilton
- Prepare an organization structure for Venture
- Prepare roles and responsibilities document for staff
- Develop CEO job description and other staff job descriptions
- Registration for GST purposes
- Service level agreement with City for services such as handling of payroll
- Development of asset management agreement with City
- Organize banking arrangements
- Develop policy on banking and funds management
- Develop process for credit underwriting and credit agreements
- Preparation of financial projections and modeling for projects, expected returns, etc.

Grant Thornton




Ontario Workers
Arts & Heritage
Centre

Grant Thornton LLP
Chartered Accountants
Management Consultants
Canadian Member of
Grant Thornton International

Offices across Canada
www.GrantThornton.ca

Hamilton

Mailing Address:
City Hall, 71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Development Department – General Manager's Office
Physical Address: 71 Main Street West, 5th Floor
Phone: 905-546-4339 Fax: 905-546-4364

March 25, 2003 File: 1404-15

Mr. L. Russell
1115 - 120 King Street West
P.O. Box 57035, Jackson Station
Hamilton, Ontario
L8P 4W9

Dear Mr. Russell:

Re: Hamilton Downtown Venture

City staff, including the City Manager and the Chief of Staff from the Mayor's Office, has now reviewed the final draft of the Start-up Business Plan 2003 from Hamilton Downtown Venture dated December 2002 which you forwarded to me on February 26, 2003. The comments contained in this letter are the final set of staff comments concerning this Business Plan and represent views we will share with Council unless you anticipate making changes to reflect our comments.

Due to the well-documented budget challenges faced by the City, we are not in a position to make City lands available to the Downtown Venture free of charge. Based on this year's budget discussions, we will be attempting to maximize the value of City lands sold throughout the Downtown and indeed, throughout the City.

In addition to the foregoing, Roberto Rossini sent you an e-mail clearly stating that the release of the City's $2 million was contingent on the Downtown Venture having first secured financing of $2 million from private sector investors, which would in turn allow $4 million in the Venture Bank to invest into projects. This was the position of the staff in their submissions to the Hydro Trust Panel and remains our position today. The objective is to secure matching contributions from the private sector.

Concerning the issue of the annual operating grant, again we refer to previous communications from Mr. Rossini. He had indicated to you that the City was prepared to recommend annual operating amounts of $250,000 for years one and two, but funding for year three would be contingent on Downtown Venture achieving performance targets. The first year's commitment would only flow upon Council's endorsement of the Business Plan.

Governance Model:

We note from the Business Plan, governance was reviewed but a model apparently not reviewed was the model recently implemented by City Council, that of the private Tourism Board. This has worked successfully to date. In previous meetings with you and with others and in a letter I sent to you on December 11, 2002, City staff alerted you to this issue and specifically requested that the Tourism Board model be assessed as part of your governance review. This model should be addressed in your report and the report should also address the other models that were reviewed and details provided as to why certain models were rejected or recommended for implementation. However, the Tourism Board model must be part of your review and if your Business Plan does not include such an assessment, it will be our recommendation that the matter be referred to staff for review, report and recommendation as to whether the Tourism Board option is feasible.

Measurable Outcomes:

Following on the foregoing issue is the matter of lack of tangible and measurable outcomes. We suggest that you measure the success of the Downtown Venture by meaningful elements such as assistance dollars, properties purchased, etc. These must be measures directly attributable to the Downtown Venture so that the achievements can be measured apart from other Downtown Programs. If you recall at our meeting on December 2, 2002, with the City Manager there was discussion and general agreement that some type of performance measures would be built into the Business Plan for the proposed Hamilton Downtown Venture.

Area of Operation:

A continuing difficulty has been the area wherein the Downtown Venture is intended to operate. In staff presentations to the Hydro Trust, the area was to be the Downtown Secondary Plan, as the Trust Panel had conveyed the impression that they were interested in Downtown investment opportunities with the trust funds. We note, again, that the Business Plan not only speaks about sites outside the Downtown but now has gone so far as to include the West Harbour. We must insist that the work of the Hydro Trust Panel be respected and that the area of operation be limited to the Downtown Secondary Plan or the Hamilton Downtown Community Improvement Plan area.

Other Areas of Issue:

We note that you still propose that the Downtown Venture act as a realtor. We see no rebuttal in the Business Plan to David Blanchard's concern that such action may be contrary to Provincial laws.

The Business Plan speaks to the Urban Development Bank as a lender of last resort. Others in the field of urban revitalization have cautioned about this very issue, that the Urban Development Bank must not be seen as a lender of last resort. Instead, the intention is the Urban Development Bank should be the last lender, that its money goes in last and that all other sources of financing must be exploited before the Urban Development Bank's funds are used. This is an important distinction that needs to be addressed in the Start-up Business Plan.

Conclusion and Further Action:

These comments represent the views of City of Hamilton staff in response to the Hamilton Downtown Venture Start-Up Business Plan 2003. After reviewing the plan, we must conclude that the plan fails to address a number of issues that had been raised in previous discussions, meetings and e-mails with you or those involved in the preparation of the Business Plan. We urge you to address each of the issues raised in this letter and accommodating the concerns raised so this matter may move forward to the benefit of our Downtown. Once our comments have been reviewed by you, we look forward to reviewing a revised Business Plan which should be sent to my attention. Upon receipt of your final Business Plan, staff will assess and report on the matter to Committee of the Whole (COW) and City Council with recommendations upon which Council may make decisions in the interest of our Downtown.

Yours truly,

Lee Ann Coveyduck
General Manager
Planning and Development Department

RMM:jcs

cc: Mayor Wade – Att: G. Paparella, Chief of Staff
R. Robertson, City Manager
R. Rossini, Director, Budgets and Fiscal Policy, Corporate Services
R. Marini, Director, Downtown Renewal, Planning and Development

hamilton
DOWNTOWN PARTNERSHIP

Hamilton Downtown Revitalization Community Corporation
Hamilton Downtown Partnership

APR 24 2003

APR 23 2003

File - Ham Dow Part
c/r
C/R - Outside

cc: R. Marini
✓ Done Apr. 23/03
CS

April 14, 2003

Planning and Development Office
City Hall
City of Hamilton
71 Main St. W. 5th Floor
Hamilton, Ontario
L8P 4Y5

Att: Lee Ann Coveyduck

Subject: **Hamilton Downtown Venture**

Dear Ms. Coveyduck:

Thank you for your letter of March 25 outlining the final set of staff comments concerning the draft Business Plan for the Hamilton Downtown Venture. The e-mail that you referred to from Roberto Rossini was not received at our office until March 26 due to problems with our computer.

There continues to be disagreement over the need for the Hamilton Downtown Venture to provide matching funds for this endeavour. You may recall at the final presentation to the Mayor's Community Trust Panel both Fay Booker and me advised the Panel that the Hamilton Downtown Venture proposal did not provide for matching funds. Our proposal also clearly outlined the need to have access and ownership of some surplus city owned property. Without the city properties and with the demand for matching funds the project as proposed by the Partnership is not viable.

At a meeting held on Wednesday March 26 the Executive Committee of the Hamilton Downtown Partnership acting on behalf of the Board of Directors approved the immediate dissolution of the Partnership. As of March 31 the Partnership offices were closed and the telephones disconnected and all services discontinued. We are arranging for a final audit and after any outstanding bills have been paid any outstanding bank balance will be returned to the city along with the Partnerships financial documents.

The Draft Business Plan as presented belongs to the City of Hamilton and it is our hope that the city will some day be in a position to complete and implement this program.

We will speak to Mr. Rossini and Mr Robertson about the closing of the operation and the return of any outstanding bank balances.

Once again thank you for your comments.

Yours truly

Roger Trull
Chairman

cc Mayor Robert Wade
cc Bob Robertson
cc Robert Rossini

120 King Street West, Suite 1115, P.O. Box 57035 Jackson Station, Hamilton, Ontario L8P 4W9
Tel.: (905) 546-0003 Fax: (905) 546-0009 e-mail: partnership@inerlynx.net

AFFECTS WARD 2

11.6

CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT

Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	May 15, 2003 1208-2	**Prepared by:**	Ron Marini ext 4178 Peter Minkiewicz ext 5363

SUBJECT: Request For Proposal for the Sale and Development of Municipal Property Identified as 171 Main Street East (PD03085) (Ward 2)

RECOMMENDATION:

(a) That T. Valeri Construction Limited be notified that their submission under contract C2-11-02-B for the sale and development of 171 Main Street East be approved subject to the negotiation of a suitable purchase and development agreement.

(b) That the City's Real Estate Section be authorized and directed to sell 171 Main Street East in accordance with the Real Property Procedural By-law #95-049.

(c) That appropriate Development Division staff of the Planning and Development Department, with Legal Counsel, negotiate an appropriate development agreement together with the development proponent for 171 Main Street East.

(d) That the net proceeds of the sale be used first to help offset any shortfall in achieving the $1 million program reduction in Real Estate to realize operating cost reductions and if not required, be contributed to the Reserve for Property Purchases.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Report PD03085 provides an overview of the Request for Proposal for the sale and development of City property identified municipally as 171 Main Street East. The T. Valeri Construction Limited proposal represents the recommended submission under the terms of the Request for Proposal. The proposal is considered appropriate by a staff review committee, and it is recommended that the submission be accepted, and that staff continue to work with the development proponent to refine the proposal, and negotiate a purchase and development agreement.

BACKGROUND:

A Request for Proposal for the sale and development of City-owned property at 171 Main Street East was issued through the Purchasing Section of the Corporate Services Department on December 13, 2002. The R.F.P. included appropriate information to assist the development industry in understanding the opportunities associated with the development of the subject site. The subject site is identified on Appendix “A” to Report PD03085.

The Request for Proposal closed on February 14, 2003, with two (2) submissions received. Purchasing staff forwarded the proposals to the Downtown Renewal Division to conduct an appropriate assessment as indicated within the R.F.P. document. A total of twenty-seven (27) R.F.P. packages were given out by the Purchasing Section.

The proponents were asked to address issues of conformity with the relevant design and policy documents of the City of Hamilton and to provide a proposed purchase price for the City-owned property. Proposals were also to be assessed according to their effect upon the immediate area in terms of their fit and potential to serve as catalysts for additional development. Staff of the Downtown Renewal Division has been involved with this process as the property is within the Downtown and represents a key development site within the Downtown.

The subject site was previously sold by the City of Hamilton. Due to a lack of development performance on the part of the purchasers, the City exercised its opportunity to take the property back in July 2002. The rationale to dispose of the City-owned property a second time through the R.F.P. process was made on the basis that it would provide the greatest exposure for the asset and thus lead to a greater array of potential interest from the development industry. The subject site is currently used as a municipal parking facility. The do nothing alternative will mean the parking lot use will remain for the foreseeable future.

ANALYSIS OF PROPOSALS:

Adoption of the above recommendations is a preliminary step which will lead to the formal disposition of the property and subsequent development of the site.

Submission by T. Valeri Construction Limited

The proposal and formal submission made by T. Valeri Construction Limited is considered appropriate from a development perspective. The development proponent has also provided satisfactory information regarding past development experience to conduct a risk evaluation of the proposal. The following points summarize the key issues addressed by the proposal:

- 12 storey mixed use rental project
- GFA of approximately 147,000 sq. ft.
- A commercial component of approximately 15,000 sq. ft.
- Parking for 54 vehicles
- Potential partnership with the City in relation to the provision of additional parking facilities associated with the parking structure
- Proposed completed development project of approximately $9,000,000
- Proposed purchase price of $300,000

Submission by A. Desantis Developments Ltd.

The A. DeSantis Developments Ltd. proposal represents a qualified proposal and is summarized as follows:

- 7 storey residential project
- 59 unit residential development with parking facilities for 43 cars.
- Proposed completed development project of approximately $5,400,000
- Proposed purchase price of $251,500

Conclusions:

The two (2) proposals submitted under the terms of this R.F.P. represent creative development options which serve to appropriately address the issues raised by the City of Hamilton in relation to the sale and subsequent development of this site. The two (2) proposals differ in scope and offer variations in land use, proposed purchase price and completed value for the project.

The submission by T. Valeri Construction Limited is considered the preferred development option for the site because it proposes a wider range of land use which incorporates commercial activity along Main Street. The results of the development upon the neighbourhood together with the higher proposed purchase price were important considerations which led to the recommendation of the T. Valeri Construction Limited proposal as the preferred development option.

It is noted that the proposed purchase price exceeds the appraised value of the property, which appraisal was completed in December of 1999 at a value of $225,000. The proposal successfully demonstrates conformity with the intent of the Downtown Hamilton Secondary Plan, Official Plan and Zoning By-law.

The proposed development will be subject to a more detailed analysis according to the relevant provisions of the Zoning By-law and Policy documents of the City once a formal development agreement and purchase are negotiated.

The result of proceeding to sell and develop the subject site will be the loss of some municipally-operated parking supply within the Downtown. This loss may be mitigated through the ongoing efforts to consolidate surface parking facilities into more intensive forms of parking including parking structures within strategic areas of the Downtown as referenced within the Downtown Hamilton Transportation Master Plan. Additional lost revenues ($4,200 annually) would arise from the termination of the contract with the advertising company for the billboard sign located on the present carpark site.

The sale and development of the property serves to address the intent of the Downtown Hamilton Secondary Plan to develop more residential land uses within the Downtown. Further, the property's development would result in increased property taxation revenues.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – The property is currently occupied by a 61 space municipal parking facility. In 2002, the net revenues generated by the sale of monthly and daily permits in this parking lot were $12,600. The current 28 permit holders will eventually be displaced. Currently there are no municipal parking facilities nearby to which these parkers can be transferred. The recommendation to proceed with the disposition of the property would potentially result in sale revenues of approximately $300,000. It should be noted that the sale of these properties will result in realizing revenue collected from taxes subsequent to the sale which would otherwise have not been received if the property had stayed in Municipal ownership. The new tax revenue should be considered, if required, during the 2004 Budget process in order to help achieve the $1 million in operating savings that is to come out of the base budget.

Staffing - Administration of the sale of the subject property according to the terms of the City's disposition policies would be conducted by staff of the Real Estate Section. Appropriate Development Division Staff and Legal Counsel will negotiate an appropriate development agreement.

Legal – Legal Counsel has reviewed and supports the recommendations contained within Report PD03085.

POLICIES AFFECTING PROPOSAL:

Report PD03085 makes recommendation for the acceptance of a submission for the proposal to purchase and develop 171 Main Street East in accordance with the City's Purchasing policies, and its policies regarding the disposition of municipal real estate. The Downtown Secondary Plan was used to assess each proposal.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

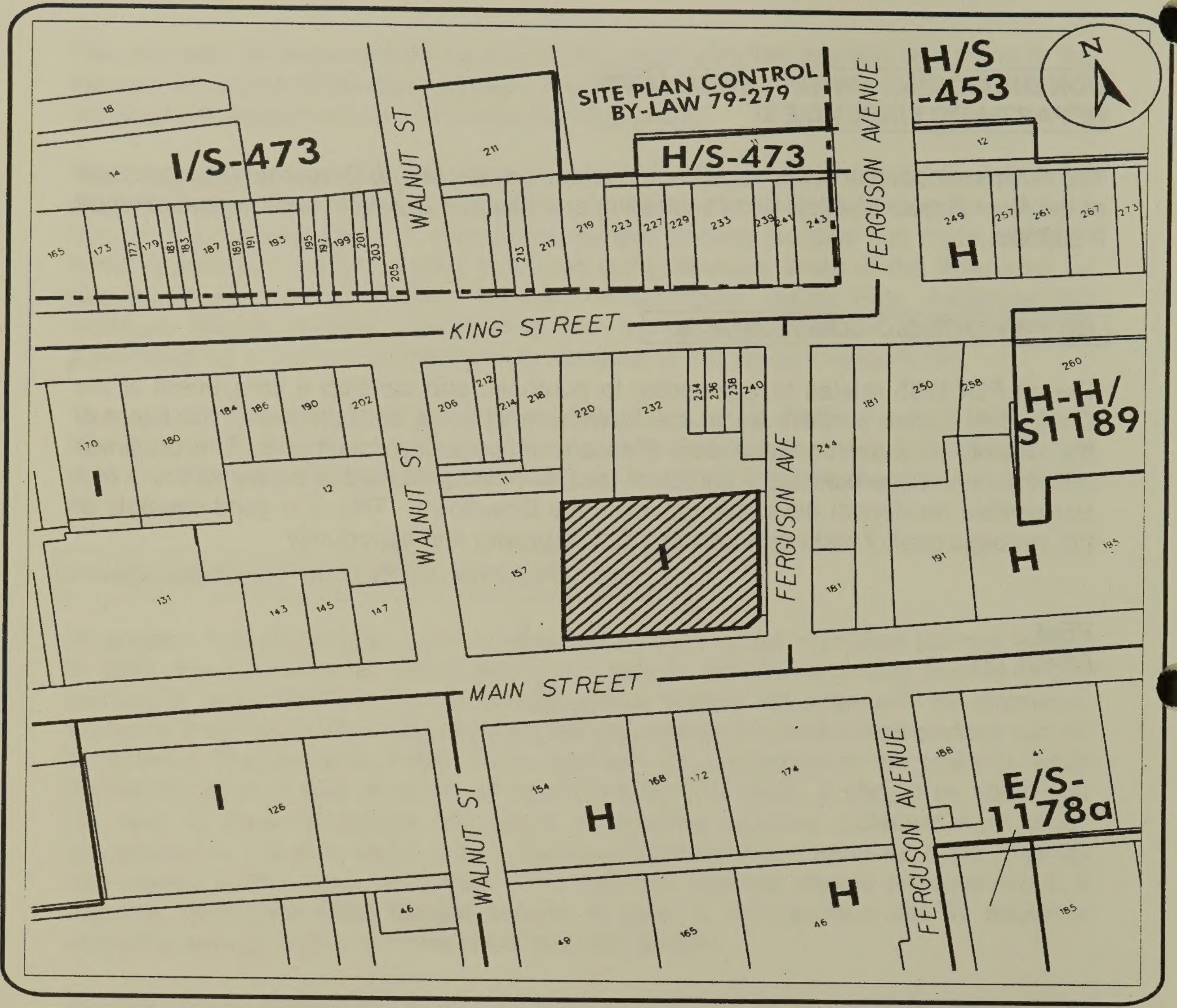
The recommendations in this report are in a form satisfactory to Corporate Counsel. Staff of the Real Estate Division and Purchasing and Finance Divisions has reviewed Report PD03085.

CITY STRATEGIC COMMITMENT:

Report PD03085 relates to a proposal to purchase and develop a component of the City's Real Estate portfolio within the Downtown which is consistent with the intent of the Downtown Hamilton Secondary Plan and other policy documents. The proposed development will rehabilitate a portion of the Downtown and lead to the construction of a sustainable residential development within the Downtown. This is a good example of the strategic goal of making Hamilton a City of growth and opportunity.

PEM
Attach. (1)

Appendix “A” to Report PD03085
Page 1 of 1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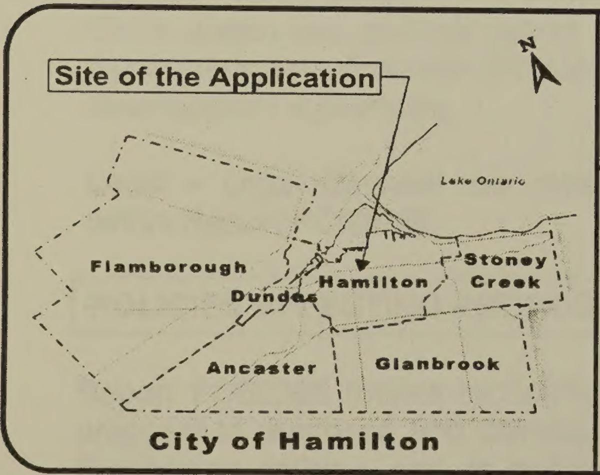

Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney
Creek
Ancaster
Glanbrook
City of Hamilton

CITY OF HAMILTON
PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
171 Main Street East

Filename/number
171 Main St. E.

Date
September 20, 2002

Technician:
NM

Map Not to Scale

Appendix "A"

SECTION 12

SECTION 13

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

13.1

PUBLIC WORKS DEPARTMENT
Transit Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Don Hull Acting General Manager
Date:	May 12, 2003	**Prepared by:**	A. McLaughlin 905-528-4200, Ext. 2710

SUBJECT: **Hamilton Association For Community Living - Litter and Cleaning Services Contract (PW03058) - (City Wide)**

RECOMMENDATION:

That the annual expense, in the amount of $73,300 in 2003, resulting from the Litter and Cleaning Services contract between the City and Hamilton Association for Community Living be funded from Transit Reserve account number 108025.

Don Hull
Acting General Manager
Public Works

EXECUTIVE SUMMARY:

Staff Report TOE01061 sought and received Council approval to enter into a 15-year Transit Shelter advertising contract extension with ViaCom Inc.

The contract extension included a one-time payment of $700,000 to the City. Council further approved and directed that these monies be applied to reduce the Transit debt over a period of 10 years.

Council subsequently added an amendment to the Staff recommendations: "That staff be directed to ensure that those workers employed by the Association of Community Living who currently perform bus shelter cleaning and maintenance as part of the Transit Shelter Advertising Contract Extension be accommodated for the life of the contract."

Transit has successfully negotiated a revised contract with Hamilton Association for Community Living to provide bus loop and ends-of-line litter control, litter sweeps at designated downtown bus stops and cleaning services at the Lime Ridge Transit Terminal. The 2003 cost of this contract is $73,300.

BACKGROUND:

Hamilton Association for Community Living (HACL) has been supplying transit shelter cleaning and litter control services at HSR bus stops for a number of years. The program ensures transit customers encounter a clean shelter and bus loop and the clients of HACL receive valuable work experience and develop marketable job skills.

When Viacom Outdoor Inc. assumed responsibility for transit shelter maintenance in 2002 (COW Report 01-021), Council directed staff to ensure that workers employed by HACL who previously performed transit shelter cleaning would be accommodated during the 15-year life of the Viacom contract. The contract included a one-time, upfront payment of $700,000 from Viacom to the City of Hamilton. Council directed that these funds be placed in a reserve and allocated to reduce Transit outstanding debt.

Under the HACL - HSR contract, 46 bus loop/ends-of-line, 42 downtown bus stops and the Lime Ridge Terminal building are inspected on a regular basis and receive cleaning services appropriate for the type of facility.

ANALYSIS OF ALTERNATIVES:

No suitable alternative exists. Contracting-out to other private sector firms or in-house service provision would result in a reduction in the HACL workforce. Costs would be higher and HACL clients would be displaced.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial - The Transit Capital Reserve, account number 108025, contains the $700,000 contribution made by Viacom Outdoor Inc. when the Transit Shelter Advertising Contract Extension (TOE01061) was executed.

Legal - A three year contract detailing service levels, costs and insurance provisions has been signed.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Operations & Maintenance and Waste Management Divisions were consulted in developing the downtown litter sweeps component of the contract.

CITY STRATEGIC COMMITMENT:

This initiative supports Council's Strategic Goal of supporting people in need, with care.

HACL is a leader in community initiatives supporting the intellectually handicapped. Several workers who have gained experience thru the cleaning of bus stops have graduated to find employment at private businesses within Hamilton. A litter-free downtown supports environmental and other initiatives to renew the core, providing benefits for residents and visitors.

CITY WIDE IMPLICATIONS

13.2

CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT
Transit Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Don Hull Acting General Manager
Date:	May 12, 2003	**Prepared by:**	A. McLaughlin 905-528-4200, Ext. 2710

SUBJECT: **Delegation of Authority Respecting HSR Bus Stops (PW03062) - (City Wide Implications)**

RECOMMENDATION:

(a) That the Planning & Development Department's Parking & Enforcement Section prepare and submit for approval to Council a By-law to amend Section 59 Bus Stops of Traffic Bylaw No. 01-215 and Section 13(1)(k) of Parking By-law No. 01-218, to delegate the authority to the General Manager, Public Works to install, remove and relocate Hamilton Street Railway Bus Stops as may be required, from time to time, for the delivery of public transit services within the City of Hamilton.

(b) That Schedule 32 of Traffic By-law No. 01-215 be deleted in its entirety.

(c) That the Director of Transit be directed to maintain an up-to-date list of all Hamilton Street Railway Bus Stops and provide notification to members of City Council of any bus stop changes which may affect their respective Wards.

Don Hull
Acting General Manager
Public Works

EXECUTIVE SUMMARY:

To ensure compliance with legal and administrative requirements, bus stop changes must be approved and the appropriate by-laws enacted. In order to expedite matters and reduce the volume of reports sent to Committee of the Whole it is recommended that the General Manager, Public Works be granted the authority to approve required changes to the bus stop inventory. The Director of Transit will continue to investigate potential bus stop changes in collaboration with the Traffic Engineering and Operations

Section and the Parking and Enforcement Section. The Director of Transit will maintain a bus stop list to ensure an accurate accounting of all bus stop locations within the City of Hamilton.

BACKGROUND:

The operation of the public transit system requires that bus stop locations change from time to time. In 2002, 54 bus stops were either added, due to land use changes that create additional customer activity or relocated/eliminated, to address concerns raised by customers, property owners, transit operators, Councillors, Traffic Engineering & Operations Section and Parking & Enforcement Section. These concerns relate to issues of convenience, safety, bus operations or impact on road users.

Previously, recommendation reports regarding bus stop changes were brought before the Committee of the Whole. Once approved, the recommendation would proceed to City Council, contained within the Public Works Report. Upon City Council approval, a by-law would be prepared to ensure the approved bus stop changes were reflected in the Traffic By-law. This by-law would then be presented to City Council for approval.

Delegation of authority to the General Manager, Public Works to approve bus stop changes will expedite service delivery and reduce the volume of reports that are printed and reviewed.

Potential changes to bus stops will be investigated by staff, in consultation with appropriate stakeholders. In most instances, the bus stop changes will be implemented for an initial two-month trial period in order to gauge stakeholder feedback. At the conclusion of the trial period a decision will be made to recommend a permanent bus stop change, continue with the trial, or return to the previous bus stop configuration. In instances where a change is recommended, the Director of Transit will notify the appropriate Ward Councillor.

ANALYSIS OF ALTERNATIVES:

The existing procedure with respect to bus stop changes can be maintained and bus stop change recommendations can be presented to Committee of the Whole in a separate report. Turnaround times and report volume would remain at present levels.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Staff resources can be redirected from formal report preparation. The process of amending the Traffic By-law will be eliminated.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The recommended approach for administering bus stop changes has been reviewed with staff from the Parking & Enforcement Section and Legislative Section. They are in agreement with the recommendations.

CITY STRATEGIC COMMITMENT:

Vision 2020 encourages citizens to Change Their Mode of Transportation to modes other than the private auto. The bus system provides many folks with an excellent opportunity to support the Vision.

Bus stops are the transit customer's first and last point of contact with the HSR. In order to make the journey by bus as pleasant as possible, bus stops must be positioned in an efficient and effective manner. Prompt response to bus stop concerns and proactive planning for bus stop changes demonstrates that the Corporation is supportive of the vision.

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

13.3

PUBLIC WORKS DEPARTMENT
Operations & Maintenance Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Don Hull Acting General Manager
Date:	May 12, 2003	**Prepared by:**	Rick Gadawski Extension 3919

SUBJECT: **Potential Infestation of Emerald Ash Borer on City Owned Ash Trees (PW03063) - (City Wide Implications)**

RECOMMENDATION:

(a) That the Public Works Department, Operations & Maintenance Division, Forestry Section monitor the actions being taken by the Federal Government to control the infestation of Emerald Ash Borer (EAB) in quarantined Essex county and that the Forestry Section report to Council regarding the status of this program and any new developments that may arise.

(b) That City staff be authorized to identify suitable wood processing sites within the city of Hamilton so that in the event that an infestation of this or another invasive pest occurs in Hamilton, a site is immediately available for wood storage and processing as required to contain the pest from further spread.

(c) That a communications strategy be implemented to increase public recognition of Emerald Ash Borer, reduce the risk of importation of firewood from infested areas, and ensure that in the event of EAB being introduced to Hamilton, the infested areas are discovered quickly.

(d) That Forestry Section staff report back to Council on the costs associated with implementation of a communications strategy.

(e) That the City of Hamilton's Forestry Section, in conjunction with Canadian Food Inspection Agency, staff monitor for EAB using aerial devices as required and report if necessary on funding requirements.

(f) That a letter be directed to Honourable Lyle Van Clief, Minister of Agriculture and Agri-Food and Minister Coordinating Rural Affairs, responsible for the Canadian Food Inspection Agency (CFIA):

    (i) requesting that the CFIA enter into an agreement with the City of Hamilton such that in the event that there is a positive identification of EAB or any other imported alien pest in Hamilton that leads to a quarantine and eradication program, the CFIA agrees to pay for the cost of ground and aerial device surveys, removal and proper disposal of trees that are dead or infested by EAB or pest of equal significance;

(ii) requesting that the CFIA provide additional funding to support the recommendations of the Science and Risk Mitigation Committee for eradication of EAB in Essex Region of Ontario.

(g) That a letter be directed to the Honourable Yvan Hardy, Assistant Deputy Minister, Canadian Forest Service, requesting that funding be provided to municipalities through the Tree Canada Foundation to help with the replanting of street trees which have been killed by an infestation of an alien pest such as the Emerald Ash Borer.

(h) That a copy of this report and the associated resolutions be sent to Honourable Herb Dhaliwal, Federal Minister of Natural Resources; Honourable David Anderson, Federal Minister of Environment; Honourable Jerry Ouellette, Provincial Minister of Natural Resources, (Ontario); the Association of Municipalities of Ontario; and the Federation of Canadian Municipalities, urging them to adopt a similar position and advocate on behalf of municipalities affected and potentially affected.

Don Hull
Acting General Manager
Public Works

EXECUTIVE SUMMARY:

Emerald Ash Borer has the potential to be a devastating pest to the City of Hamilton's urban forest. It targets all species of Ash trees within the genus *Fraxinus*, regardless of the size or the condition of the tree. The possibility of this insect spreading into Southern Ontario is very high given its aggressiveness, difficulty in identification during initial infestation, and its lack of natural enemies. There is the potential of loosing up to 10% of the street and park trees within the City of Hamilton and thousands more along trails, in woodlots and ravines. In Canada, there are no registered pesticides to control EAB. All Ash trees are a potential target.

The City of Hamilton is maintaining regular communications with the Canadian Food Inspection Agency (CFIA), the City of Windsor, and other municipalities in southern Ontario to keep up to date on any new advancement. The Canadian Food Inspection Agency is the federal agency responsible for regulating introduced Forestry or Agriculture pests. Presently, the City of Windsor is faced with loosing 6,000 - 8,000 street trees within the next two years plus thousands of private, woodland, and parkland trees. There is no financial commitment from the CFIA to assist the City of Windsor in removing infested or dead Ash trees at this time.

In Hamilton, there is an estimated 30,000 Ash trees on City road allowance. Should these trees become infested with EAB, tree removal and stumping costs could reach up to $10,000,000 plus additional costs associated for proper disposal. Replacement of

Ash trees with caliper stock would require approximately $9,900,000. These costs do not include any costs for removal or replacement of Ash trees in parks, along the escarpment, or in any City owned woodlots.

The City of Hamilton's Manager of Forestry is preparing an action plan to deal with any potential EAB infestation. The following are steps that have been taken and are currently under way:

1. City of Hamilton Forestry staff have visited the Windsor area and toured the removal sites. Forestry staff and Parks staff will be trained to look for the signs and symptoms of an EAB infestation.
2. The City of Hamilton Forestry staff met with the CFIA and offered our services to the CFIA for monitoring purposes. Since EAB is found in the tree canopy, an aerial device may be required to assist in monitoring of existing Ash trees for an infestation. Any costs incurred will be reported back to Council.
3. To increase public education, City Forestry staff will be posting an "Urban Forest Pest Advisory" sheet on EAB on the City's website and will also post an email address for immediate response to reports of EAB finds.
4. The Manager of Forestry will meet with Conservation Authorities and private tree contractors who will be notified and provided with information on EAB.
5. The Forestry Section has recommended to other City departments that Ash trees no longer be an acceptable planting species until such time the threat is eliminated.
6. To finalize a plan that in the event of a confirmed presence of EAB, the City of Hamilton has a designated forestry staff person to liase with the CFIA, arrange forestry crews and equipment for follow up investigation, identify holding areas, provide mapping for infected portions of the City and to assist City Communications staff with the launch of the communication plan.

BACKGROUND:

The information/recommendations contained within this report have city wide implications.

The Emerald Ash Borer (EAB) is an introduced insect pest from eastern Asia that has the potential to damage the integrity of our urban forest. Discovered in Windsor, Ontario during the summer of 2002, EAB is thought to have dispersed from Michigan to Windsor after arriving in the United States via wooden packaging and dunnage.

This pest targets all species of Ash trees within the genus *Fraxinus*, killing trees growing in both urban and forested sites. Adults lay their eggs in the bark and the larvae tunnel into the tree and feed in the cambial layer causing an interruption in the translocation of nutrients throughout the tree. Both healthy and stressed Ash trees of all sizes may be attacked, causing death within one to three years following infestation.

In October 2002, the Canadian Food Inspection Agency (CFIA), established an administrative quarantine that prohibited the movement of Ash trees and related articles out of EAB infested areas in an attempt to contain the existing population. Quarantined areas include the City of Windsor and the surrounding towns of Amherstberg, Essex, LaSalle, and Tecumseh as outlined in Report PW03063 as Appendix A. There is also a quarantine in Michigan and EAB has been found this spring in Ohio.

It has been recommended by the Science and Risk Mitigation Committee formed with representatives from government and non-government agencies, that the CFIA undertake a four part program as follows to stop the spread of this beetle and eventually eradicate it:

1) Cutting and disposal of infested trees at the leading edge of the infested area to suppress the EAB's population.
2) Enforcement of quarantine zone by establishing patrols, inspections, surveillance, roadside signs, disposal bins, marshalling yard, TV and radio ads.
3) Conduct detection surveys to identify any populations outside of the current known infested areas; and delimitation surveys to detect infested trees on the leading edge of the infested area.
4) Establish a "firebreak" zone of no Ash trees, by cutting Ash in a line approximately 6km wide, east of the known infestation, from Lake St. Clair to Lake Erie.

The above recommendations have not yet been enacted to date. On March 26, 2003, City of Hamilton Forestry staff visited Windsor. A tour of EAB infested sites was arranged by the City Forester and a representative of the CFIA was in attendance to provide information and to answer questions. Updates included the following:

1. The plan to cut a five-kilometre firebreak has been put on hold. Recently, there have been two confirmed cases of EAB outside of the quarantined area (approximately three kilometres east of Essex) and confirmed cases in Ohio. The CFIA presently does not know the extent of the new range.
2. No federal or provincial dollars have been made available to cover the costs associated with the removal and replacement of trees. Windsor estimates that they will loose 6,000 - 8,000 street trees within the next two years plus thousands of private, woodland, and parkland trees. It is estimated that their tree removal and replacement costs for street trees could reach up to $6 million, plus additional fees associated for proper disposal. While the CFIA recognizes that removal of dead or dying trees in Windsor and other affected municipalities has merit with respect to the long term management of EAB, its top priority at the present time is in the detection and removal of infested trees on the leading edge and further detection surveys of any populations outside the current known infested area. For this reason there is no commitment at the present time from the CFIA to assist Windsor in removing infested or dead Ash trees.
3. The CFIA leased a 4.7 acre parcel of vacant land for a term of three years from the City of Windsor. This land has been set up for the disposal and/or storage of the regulated articles within the meaning of the *Emerald Ash Borer Infested Places*

Order, dated September 17, 2002. This order restricts the movement of any regulated articles, including nursery stock, trees, logs, lumber and wood with bark attached, wood chips or bark chips, from Ash trees and firewood from all tree species. This land is situated in an already heavily infested EAB location and has round the clock security to prevent wood thievery as firewood is difficult to obtain in that area of the province. This site is open for anyone to drop off Ash wood or brush.

4. Signs have been erected along Highway 401 in south western Ontario to inform passing motorists of the restriction on the transportation of the regulated wood articles. Posters have been distributed throughout Windsor and the surrounding towns to educate the public.

It is fortunate that there is minimal forest cover in the known area of infestation. Until such time as the quarantine is officially revised, new sites will be quarantined by the CFIA on a site by site basis. There is significant risk that the beetle will continue to spread in the absence of rigorous control programs and in the transportation of infested wood or nursery stock from unregulated areas.

Following the Windsor meeting, City of Hamilton Forestry staff was in contact with representatives from the CFIA at both the central region office, located in Hamilton, and the Ontario office, located in Guelph. At the present time, the CFIA has not finalized its survey plans for 2003. They do, however, plan to continue surveying for EAB in Essex county and at locations in Ontario that would be considered to be at risk for EAB (i.e. provincial parks, sawmills, and campgrounds) as two new sites have been identified outside of the quarantine area as outlined in Report PW03063 as Appendix B. As a part of their strategy, the CFIA is currently designing a self-survey package for Ontario municipalities to conduct surveys in their own urban areas. This survey would request that Forestry departments located in all major municipalities in Ontario educate their respective staff on how to survey for EAB and to be on the lookout for this pest. The package would include information on what to do if EAB is suspected and would encourage cities to work closely with local CFIA offices.

Should EAB make its way to Hamilton, the impact of an infestation would be devastating to the integrity of our forests, streetscapes, and parks. It is estimated that our urban forest has an Ash population of better than 10%. Given that Ash trees are fast growing and very hardy in a range of conditions, they have been planted on the road allowance within the City of Hamilton for years as part of the Forestry Section's previous tree planting program. Unfortunately there is no chemical control registered in Canada to combat this pest. Sanitation, which includes urgent tree removal and grinding of infested wood, is the only available option for control.

Normal Forestry operations and response time would be significantly affected if City of Hamilton Ash trees became infested. Forestry staff would only be able to respond to the requests for removal of dead trees. Other requests for tree trimming or line clearing would not be addressed for an estimated period of six to seven years. In addition, response time for removals would be minimal as Forestry only has six aerial devices in its fleet.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no requirements at this time for any municipal expenditure associated with this report. Should Emerald Ash Borer be identified within street or park trees within the City of Hamilton, costs associated with an eradication and replacement tree planting program will be brought forward to Council.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Forestry Section consulted with Planning and Development, Public Works (Communications), and the Canadian Food Inspection Agency.

CITY STRATEGIC COMMITMENT:

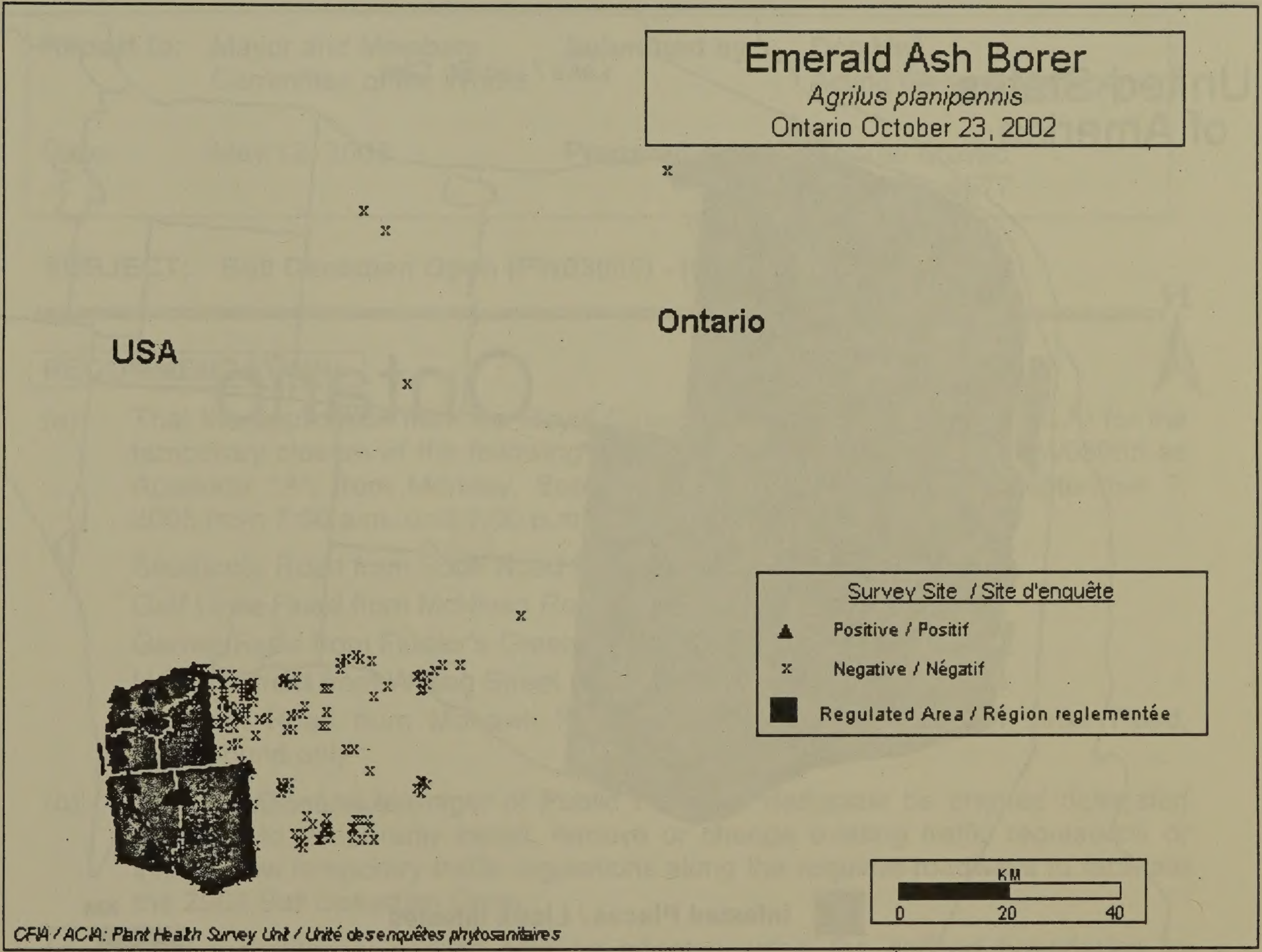
Emerald Ash Borer is an alien pest, which has the potential to wipe out all of the Ash trees within the City of Hamilton. Approximately, 10% of the City's street trees are Ash, with many more Ash trees growing in parks, along trails, and in ravines and woodlots. Loosing all of these trees would have a serious impact on our urban forest canopy. It would affect the City's VISION 2020 for a greener city with more trees and the goal for Hamilton to have the best air quality of any major urban centre in Ontario.

Within the urban environment, trees exhibit a positive effect on air quality. They have the ability to reduce the "urban heat island" effect, absorb pollutants, and reduce the presence of inhalable particulates. Should our street tree population be reduced, our air quality index will increase, contributing to poor health for Hamilton's visitors and residents.

Street trees benefit air quality by reducing the consumption of fossil fuels by providing shade to homes in the summer, reducing air conditioning needs by as much as 50%. In winter, trees help reduce the cost of heating by 20 – 40% by slowing down chilling winds. In addition, street trees have a positive effect on real-estate values. They increase the value of residential properties and add to the aesthetic value of the street. If all of our Ash trees are killed, the increases in energy costs and decreased property values will directly affect each homeowner who has an Ash tree on or adjacent to their property.

APPENDIX A
PW03063

Potential Infestation of Emerald Ash Borer on City Owned Ash Trees


Emerald Ash Borer
Agrilus planipennis
Ontario October 23, 2002
Ontario
USA
Survey Site / Site d'enquête
▲ Positive / Positif
x Negative / Négatif
■ Regulated Area / Région reglementée
KM
0
20
40
CFIA / ACIA: Plant Health Survey Unit / Unité des enquêtes phytosanitaires

Reference: Canadian Food Inspection Agency

Emerald Ash Borer
Map of Distribution and Area of Regulation
(Quarantine) in Ontario

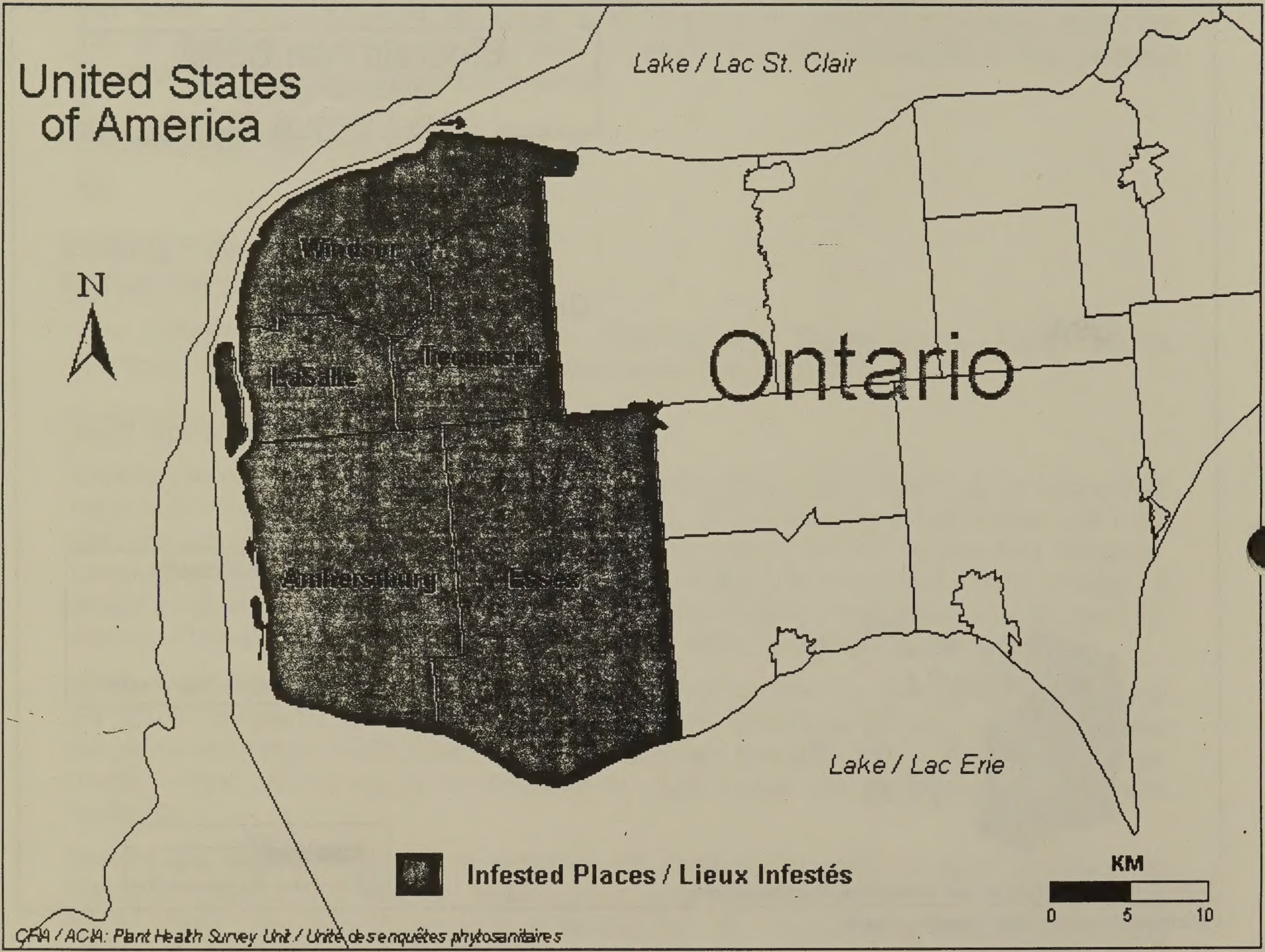
City Of
HAMILTON
Public Works Department

General Manager: Peter Crockett

Date: May 12, 2003

APPENDIX B
PW03063

Potential Infestation of Emerald Ash Borer on City Owned Ash Trees


Lake / Lac St. Clair
United States of America
N
Windsor
Tecumseh
LaSalle
Ontario
Amherstburg
Essex
Lake / Lac Erie
▨ Infested Places / Lieux Infestés
KM
0
5
10

CFIA / ACIA: Plant Health Survey Unit / Unité des enquêtes phytosanitaires

Reference: Canadian Food Inspection Agency

Emerald Ash Borer
Map of Regulated Areas

City Of
HAMILTON
Public Works Department

General Manager: Peter Crockett

Date: April 9, 2003

AFFECTS
WARD 12

CITY OF HAMILTON

13.4

PUBLIC WORKS DEPARTMENT
Operations & Maintenance Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Don Hull Acting General Manager
Date:	May 12, 2003	**Prepared by:**	George Brovac Extension 4577

SUBJECT: Bell Canadian Open (PW03065) - (Ward 12)

RECOMMENDATION:

(a) That the application from the Royal Canadian Golf Association (R.C.G.A) for the temporary closure of the following roadways as outlined in Report PW03065 as Appendix "A", from Monday, September 1, 2003 until Sunday, September 7, 2003 from 7:00 a.m. until 7:00 p.m. each day, be approved:

Southcote Road from Book Road East to Golf Links Road; and
Golf Links Road from McNiven Road to Halson Street; and
Garner Road from Fiddler's Green Road to Glancaster Road; and
Halson Street from Wilson Street to Golf Links Road; and
McNiven Road from Mohawk Road / Rousseau Street to Golf Links Road, southbound only.

(b) That the General Manager of Public Works or designate be granted delegated authority to temporarily install, remove or change existing traffic regulations or initiate new temporary traffic regulations along the required roadways to facilitate the 2003 Bell Canadian Open.

(c) That a residential parking plan be adopted within the defined boundaries as outlined in Report PW03065 as Appendix "C".

(d) That "permit parking" restrictions be in effect where parking is permitted on residential streets within the defined boundaries, as outlined in Report PW03065 as Appendix "C", during the 2003 Bell Canadian Open (from Monday, September 1, 2003 until Sunday, September 7, 2003 from 7:00 am to 7:00 pm each day), through the erection of temporary signs; and that the City Parking By-law 218-01 be amended accordingly.

(e) That "Special Event Parking/Access Permits" be issued to area residents in accordance with the criteria outlined in Report PW03065 as Appendix "B".

(f) That the City of Hamilton has no objection to the issuance of the ACGO liquor application from the Royal Canadian Golf Association for the 2003 Bell Canadian Open being held on the grounds of the Hamilton Golf and Country Club from September 1, 2003 to September 7, 2003 inclusive.

Don Hull
Acting General Manager
Public Works

EXECUTIVE SUMMARY:

The Bell Canadian Open will be held at the Hamilton Golf and Country Club on Golf Links Road in Ancaster. The tournament will occur during the week of Monday September 1, 2003 through Sunday September 7, 2003.

In order to ensure the efficient management of traffic flows for the anticipated daily 22,000 spectators, participants, volunteers and media and to ensure the event is undertaken and completed in a manner that is acceptable to local residents and City Council, road closures will be necessary. The closed roads will be restricted to tournament spectators and participants, shuttle buses, local residential traffic, emergency services, essential services and school buses.

In order to optimize the way the closures are implemented, it is recommended that the General Manager of Public Works or designate be granted delegated authority to revise traffic regulations as required in the area. This will allow staff to minimize disruption to local residents and businesses while facilitating the traffic and shuttle bus flows. This will provide the option of revising specific traffic regulations during the event or just prior to the event such as on-street parking, turn prohibitions, road closures, or the implementation of a temporary one-way operation. The intent would be to implement these regulations as and when, and only if, they are needed.

A comprehensive parking plan is also proposed in this report in order to assist residents and minimize the implications on neighbourhood parking. Parking and Enforcement Operations will mail out "Special Event Parking / Access Permits" to approximately 2000 residential households that will ensure that only local residents & their visitors are permitted to legally park within the defined boundary while minimizing the spectator traffic does not infiltrate the local neighbourhoods. This permit will also allow residents to access the closed roadways.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 12.

This report is a follow up to Reports CS02051 and CS02051a, with respect to the 2003 Bell Canadian Open.

The Hamilton Golf and Country Club has been selected to be the host golf course for the 2003 Bell Canadian Open. The golf course is located in the community of Ancaster on Golf Links Road. The tournament starts on Monday September 1, 2003 and will continue to Sunday September 7, 2003. The tournament set up consists of practise rounds on Monday September 1, 2003 and Tuesday September 2, 2003, a Pro-Am on Wednesday September 3, 2003 and four days of professional golf from Thursday September 4 to Sunday September 7, 2003. Based on previous tournaments, the traffic and spectator traffic demand is expected to build from low volumes on the Monday and Tuesday to capacity for Thursday to Sunday. All roadway restrictions and closures will be prepared for implementation for Monday September 1, 2003. However, the provision of delegated authority will allow the General Manager of Public Works or a designate to time the implementation of the closures to match the traffic demand. The provision of delegated authority will allow the City of Hamilton to respond to the traffic demands rather than arbitrarily closing roadways for a twelve-hour period every day of the tournament week.

TRAFFIC PLANNING

In order to ensure the efficient management of traffic flows for the anticipated daily 22,000 spectators, participants, volunteers and media and to ensure the event is undertaken and completed in a manner that is acceptable to local residents and City Council, numerous road closures will be necessary. The closed roads will be restricted to tournament spectators and participants, shuttle buses, local residential traffic, emergency services, essential services and school buses. The City of Hamilton will be implementing an access/parking pass operation that will assist police at numerous controlled intersections the ability to distinguish between a resident making a local trip and a non-resident wishing to utilize the roadway for a cut-through movement or to access free parking on local streets. The local residents will be given a hangtag that will be displayed on the rear view mirror. Access to closed roadways will be given the residents displaying the hangtag while those not displaying the hangtag will have to follow the detour route. City of Hamilton staff will be providing access/parking permits to approximately 2000 residential households that will be directly affected by the road closures. The access/parking permits will ensure that only local residents are allowed to park on local roadways while ensuring that spectator traffic does not infiltrate the local community.

Within the ticket packages, the Royal Canadian Golf Association (R.C.G.A.) will inform spectators of the direct routes to the designated parking lots. They will provide a hangtag for the rear view mirror that will be utilized to identify a spectator vehicle. Similar to a local resident, a spectator vehicle displaying the hangtag will be given access to the closed roads. Directional signs will be installed along the adjacent roadways that will reinforce the spectator routing to their appropriate parking area.

The organization of shuttle bus parking lots and the transportation of the general public, corporate spectators, volunteers and media between the parking lots and the golf course will be the responsibility of the R.C.G.A.

To facilitate the event, City staff has developed a transportation plan to accommodate the main two groups of spectators; the general public and corporate spectators.

The initial step was to identify parking facilities that could accommodate the demand for each level of spectator. Consequently, the event parking has been broken down into the following areas:

1. **General Public Parking** - All general public parking will be accommodated at the Ancaster Fairgrounds at the corner of Garner Road and Southcote Road. A shuttle service will be operated on Southcote Road and Golf Links Road to the spectator entrance of the Hamilton Golf and Country Club. In order to ensure an appropriate level of service for the tournament, both roadways will be restricted to local traffic, school buses and the shuttle service.
2. **Corporate Parking** - All corporate parking will be accommodated at the Morgan Firestone Community Centre on Jerseyville Road West. The R.C.G.A. has arranged to transport all the corporate spectators from the Community Centre to and from the golf course. They will use Jerseyville Road, Wilson Street and Halson Street to a temporary turn-a-round on the Hamilton Golf and Country Club property. The transportation of the corporate spectators requires the closure of Halson Street.

The closure of McNiven Road between Golf Links Road and Mohawk Road will be required to facilitate a direct route for participants, caddies and tournament officials to the golf course.

The intersection of Southcote Road and Garner Road will accommodate numerous traffic flows to and from the Ancaster Fairgrounds (traffic from Toronto, London, Niagara and local, outlined in Report PW03065 as Appendix “D”). Additionally, the intersection will be impacted by the shuttle service to and from the Hamilton Golf and Country Club. In order to minimize the delay and to control traffic flows, Southcote Road and Garner Road will have to be closed. The Garner Road closure is proposed to extend to the west to Fiddlers Green Road and to the east to Glancaster Road. To minimize traffic along Southcote Road, traffic will have to be detoured along Book Road.

The Public Works Department will arrange to install special event warning boards one month in advance of the Bell Canadian Open informing the motorists of the future road closures. Additionally, directional signs will be installed on the adjacent roadways that will route the spectators to their appropriate parking area. Public Works staff and the R.C.G.A. are working with and has the co-operation of the Ministry of Transportation to have directional signs installed along Highway 403 and the Q.E.W. The highway signs will correspond with the designated routes along the City roadways.

Although the roadways will be closed during the event, all local traffic, emergency services and school bus transportation will be maintained. Through traffic on Garner Road and Southcote Road, will be detoured to Glancaster Road, Book Road and Fiddler’s Green Road, via a signed detour route.

RESIDENTIAL PARKING

There is a need for a comprehensive parking strategy to deal with the residential parking demands associated with the 2003 Bell Canadian Open. Parking & Enforcement Operations have formulated a comprehensive Special Event Parking Plan which is modelled loosely after the parking plans for the World Cycling Championships and the annual Aquafest events. The plan is an attempt to address parking concerns of the residents living within the restricted access boundary as outlined in Report PW03065 as Appendix “C” which is the area in close proximity to the Hamilton Golf &

Country Club. This plan attempts to eliminate infiltration of spectator parking within the area neighbourhoods.

The plan prohibits parking by all vehicles within the boundary as outlined in Report PW03065 as Appendix "C", except residents and visitors who have obtained the required "Special Event Parking / Access Permit". The City of Hamilton will be mailing out two "Special Event Parking / Access Permits", two weeks in advance of this event, to each property within the restricted access boundary. Each resident will be required to display the "Hang Tag" permit on their rear view mirror of their vehicles. This will assist the event volunteers, which will be controlling each intersection surrounding the restricted access boundary.

COMMUNICATIONS

The staff World & Community Events - Golf team together with the Ward Councillor, will take responsibility for communication to residents and business affected by the Bell Canadian Open. Municipal communications strategies and tactics will be coordinated with RCGA communications initiatives for clear, consistent, and accurate information for Hamilton taxpayers. Proposed tactics include free and paid media, a Town Hall meeting for residents (May 8), and Web pages on the City's Web site dedicated to information for Hamilton residents.

The Town Hall meeting was held on Thursday May 8, 2003 at the Old Town Hall in Ancaster from 7:00 p.m. to 9:00 p.m. The meeting was to inform local residents and businessmen of the transportation, parking and policing plans. Over 100 people attended and there was a very productive question and answer session. City of Hamilton staff, the Ward 12 Councillor and R.C.G.A. representatives have also met with Ancaster Service Clubs to discuss volunteer opportunities and fundraising ideas for the 2003 Bell Canadian Open.

A component of the RCGA agreement with the city includes media partnership opportunities. The City of Hamilton will have visibility on television, in four (4) issues of Golf Canada Magazine, in the souvenir program, on the Bell Canadian Open web site, on pairing sheets, and within ticket jackets.

TOURISM HAMILTON

The Board of Directors of Tourism Hamilton has struck a subcommittee to engage the local tourism industry to participate and benefit from the large events taking place this year in Hamilton, including the Bell Canadian Open. The Committee will be formalizing its action plan over the course of the next few weeks.

As part of its Business Plan, Tourism Hamilton hosted its Spring Tourism Summit on Wednesday March 26, 2003. The theme of the Summit was based on the question "when a large event comes to your City - what does it mean for your community and how you as a tourism business or organizations participate in and benefit from the event". Guest speakers who addressed this question included: Vicki Rosin from the 2002 Manchester Commonwealth Games, David Baxter from Urban Futures and Sport Tourism panel.

Tourism Hamilton staff are currently analyzing information gathered at the Summit, as well as encouraging partnerships that were discussed at the event. This information will be shared at the next Tourism Hamilton Board Events subcommittee meeting. City

Council, as part of its deliberations on the 2003 Operating Budget, provided Tourism Hamilton with additional funding of $50,000 to assist with servicing large events.

The following are some ideas currently being considered to support the Bell Canadian Open:

- A joint promotional “visitor booth” co-ordinated with Economic Development to be located at the Hamilton Golf and Country Club; and
- Temporary Visitor Centres – at the shuttle drop off locations (Morgan Firestone Arena) - tourism partner brochures in the quantity of 5,000 - 10,000 will be distributed; and
- Coupons/Vouchers - tourism industry stakeholders such as attractions, restaurants, attractions, retail will be encouraged to develop special coupons that will be distributed to visitors; and
- Assist in the creation of programs, promotions, special events at attractions, restaurants, retail shops, shopping districts, offering incentives such as 10% off with ticket stubs, 2 for 1 admission, etc. to promote visits to their establishment; and
- Assist in the development of a special shopping flyer/brochure to list unique items to purchase from Hamilton retailers.

PUBLIC HEALTH & COMMUNITY SERVICES

Event Staff are leading and coordinating a City Department Events Team comprised of Public Works (Traffic, HSR, Waste, Parks, Communications and Public Health) and Culture and Recreation Division (Police Services, Fire Services, and Emergency Medical Services) staff. The teams will liase with the RCGA to ensure municipal services and guidelines are adhered to.

City staff is preparing a hospitality plan (during the event) for businesses that have partnered with city as part of the agreement with the RCGA.

City of Hamilton Event Staff are working with the RCGA to co-ordinate all required approvals for health, building and liquor permits.

ANALYSIS OF ALTERNATIVES:

The alternative would be to not close the roads, which would lead to traffic congestion, poor access to the event and a poor opinion of the event.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial

An account (70913 - Bell Canadian Open) has been created under the direction of Public Health and Community Services Department, Culture and Recreation Division. Services-In-Kind expenditures, including those described in this report, for departments involved in the 2003 Bell Canadian Open have been previously identified and budgeted, as per the agreement between the City of Hamilton and the R.C.G.A.

Currently, City staff has obtained $80,000 in partnerships to offset costs as per the agreement.

Staffing

As part of our arrangement with the RCGA significant staff time has been and will be committed to ensuring a successful event.

Legal

N/A

POLICIES AFFECTING PROPOSAL:

The event will adhere to all municipal regulations and special events guidelines.

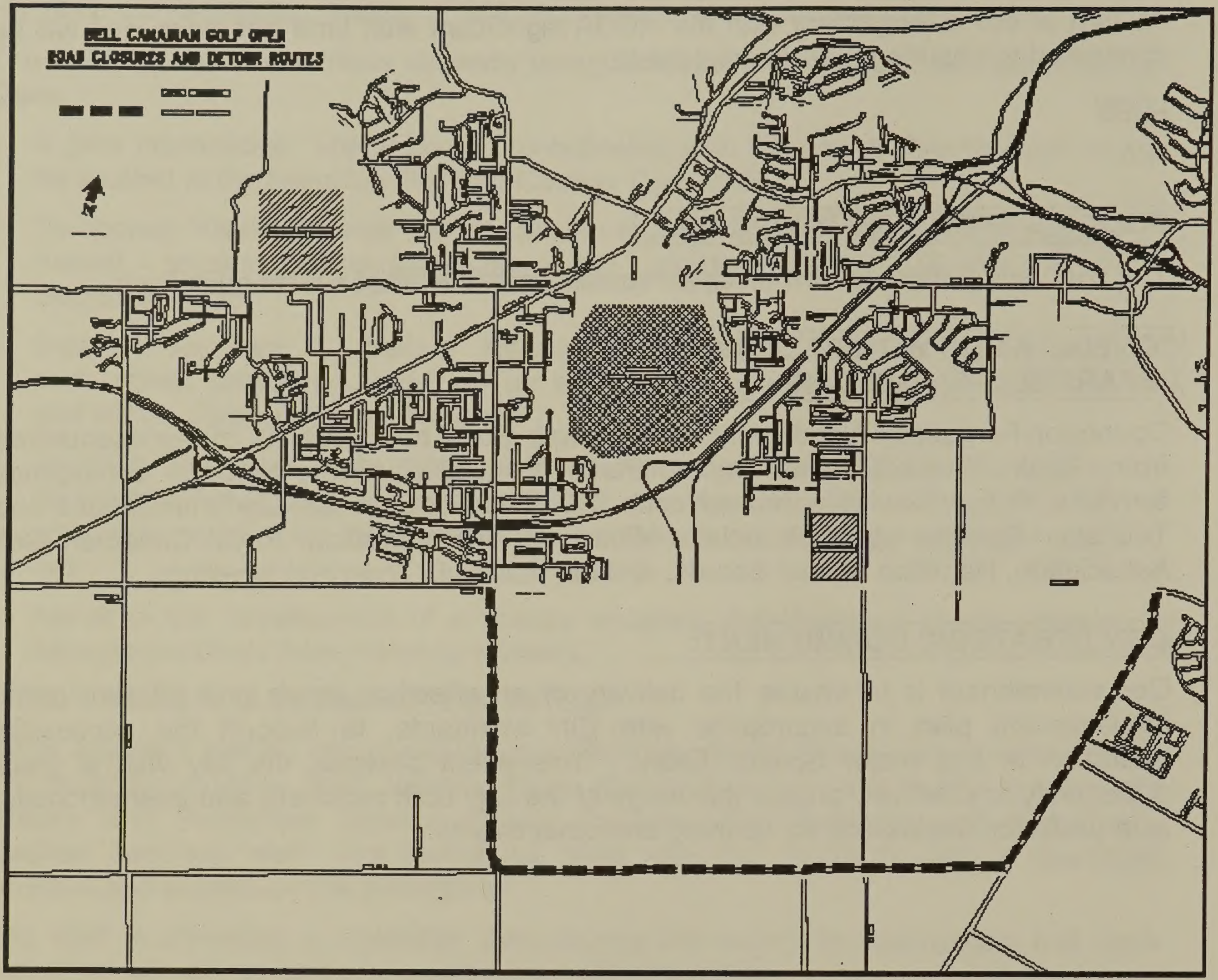
CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Councillor Ferguson, World/Community Events Golf Team consists of representatives from: Public Works (Traffic, Transit, Parks) Parking Services, Hamilton Emergency Services, Police Services, Public Health & Community Services, Communications and Tourism. Outside agencies include Ministry of Transportation, Royal Canadian Golf Association, Hamilton School Boards, and the public via Town Hall Meetings.

CITY STRATEGIC COMMITMENT:

Our commitment is to ensure the delivery of an effective, timely and efficient traffic management plan in accordance with City standards, to support the successful operation of this major Special Event. This event provides the city with a great opportunity to positively project the image of the City both nationally and internationally, as a preferred destination for sporting and other events.

Appendix A - PW03065 - Recommended Road Closures


BELL CANADIAN GOLF OPEN
ROAD CLOSURES AND DETOUR ROUTES
N

Appendix B - PW03065

Special Event Parking / Access Permit

That “Special Event Parking / Access Permits” be issued to area residents & area businesses in accordance with the following criteria:

1) Two “Special Event Parking / Access Permits” will be issued to each residential unit (including apartment buildings) within the restricted access area surrounding the Hamilton Golf & Country Club in Appendix “C”.

2) “Special Event Parking / Access Permits” will be mailed two weeks in advance of the 2003 Bell Canadian Open. The permits will allow residents to park in all legal areas within the defined boundary. Spectator parking will not be allowed.

3) Additional “Special Event Parking / Access Permits” may be requested at either the Ancaster Old Town Hall Municipal Centre or at the Parking & Enforcement Operations Office at 80 Main Street West (at Summers Lane). Permits will be issued only to persons residing or that work within this defined area. Additional permits will be issued upon request to a maximum of three additional permits, or five total.

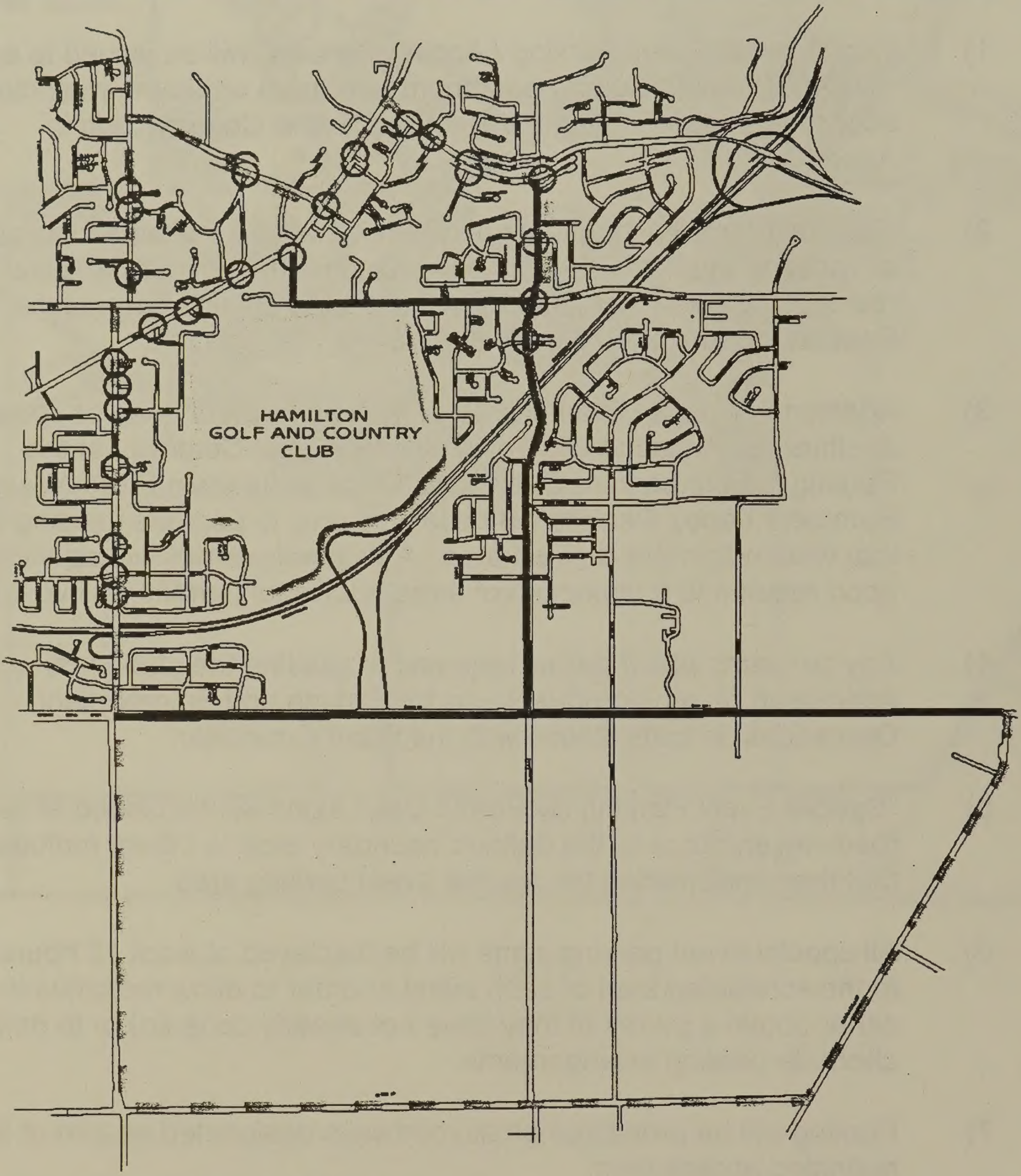
4) Any concerns about permit requests exceeding the standards will be addressed on an individual basis by Parking and Enforcement Operations, in consultation with the Ward Councillor.

5) “Special Event Parking By Permit Only” signs will be placed at each roadway entrance to the defined boundary area to inform motorists that they are entering the special event parking area.

6) All special event parking signs will be displayed at least 12 hours prior to the scheduled start of each event in order to allow motorists to either obtain a permit (if they have not already done so) or to make alternate parking arrangements.

7) Parking will be prohibited on all roadways designated as part of the restricted access plan.

Bell Canadian Open
Restricted Access Plan


HAMILTON GOLF AND COUNTRY CLUB

LEGEND

Special Event Permit Parking Zone

▪ ▪ Traffic Detour Route

▨ Closed Access Roads

○ Security Personnel Locations

Hamilton

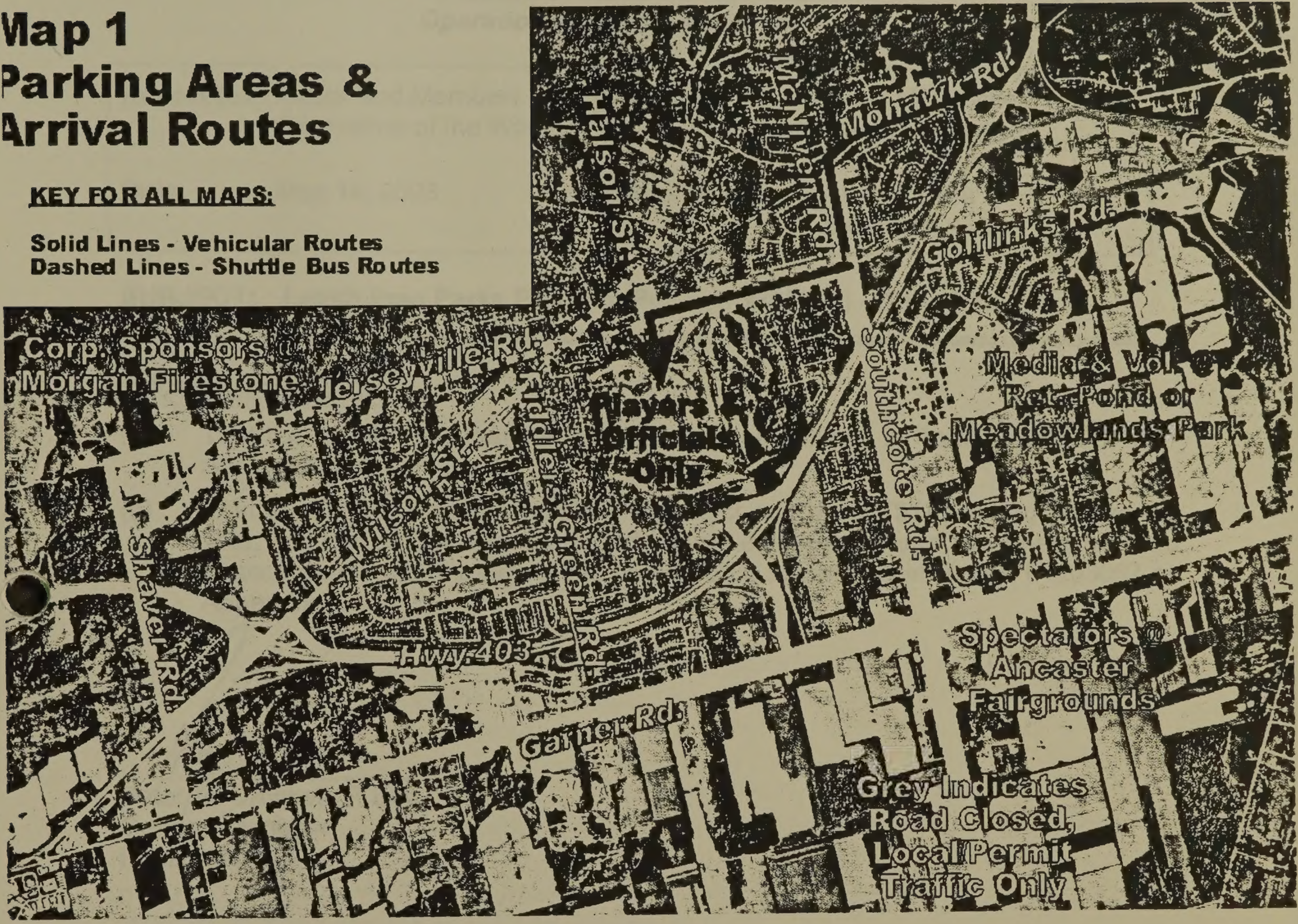
Appendix "C"

Appendix D – PW03065 - Bell Canadian Open Traffic Patterns

Map 1
Parking Areas & Arrival Routes

KEY FOR ALL MAPS:

Solid Lines - Vehicular Routes
Dashed Lines - Shuttle Bus Routes


Halson St.
McNiven Rd.
Mohawk Rd.
Golflinks Rd.
Corp. Sponsors @ Morgan Firestone
Jerseyville Rd.
Fiddlers Green Rd.
Players & Officials Only
Southcote Rd.
Media & Vol's @ Ret. Pond or Meadowlands Park
Wilson St.
Shaver Rd.
Hwy 403
Garner Rd.
Spectators @ Ancaster Fairgrounds
Grey Indicates Road Closed, Local/Permit Traffic Only

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

13.5

PUBLIC WORKS DEPARTMENT
Operations & Maintenance Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager
Date:	May 14, 2003	**Prepared by:**	Alan V. Dore Extension 4334

SUBJECT: Leash Free Parks Program Policy (PW03067) - (City Wide)

RECOMMENDATION:

(a) That the Leash Free Parks Program Policy, as outlined in Report PW03067 as Appendix A be approved.

(b) That the City of Hamilton continue to collect one dollar ($1) per dog license tag sold, and that all funds be deposited into a Leash Free Parks account to be used in accordance with the provisions of the policy as outlined in Report PW03067 as Appendix A.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

At present, there are seven leash free parks in operation in the City of Hamilton, which are not governed by a uniform set of guidelines and regulations. The Leash Free Parks Policy supports the provision of leash free facilities in either a "free running" or confined "dog park" model, and confirms facility standards, service levels, and operating regulations to guide their development and operation. The policy provides a framework for planning, design, construction, operation, regulation, funding, management, and community involvement in public leash free facilities.

BACKGROUND:

The information/recommendations contained within this report have City wide implications.

Prior to the opening of the leash-free dog parks, groups of dog owners were freeing their dogs from their leash restraint, allowing the dogs to run at large, in contravention of the City of Hamilton Animal Control By-laws and Park By-laws. Concerns from citizens regarding the presence of dogs at large in City Parks prompted staff to investigate the merits of establishing leash-free dog parks in the City of Hamilton. The main objective was to find a means to accommodate multiple user groups within the park system and to minimize the possibility of conflict between the groups.

The City of Hamilton, and the former Town of Dundas, in keeping with other regions across North America, Europe, Australia, and local municipalities including Toronto, London, Brampton, Mississauga, Oakville, and Burlington, looked to establishing leash-free parks where dog owning citizens, could exercise their pets off leash without interfering with other park users or violating municipal by-laws. As a result, seven "free running areas" were created in the former town of Dundas, and one "dog park" was created in the City of Hamilton.

In 1987, the former Corporation of the Town of Dundas passed By-law No. 3676-87 being a by-law "to prohibit dogs running at large and to require the leashing of dogs and that owners clean up after dogs". Section 5(b) of this by-law allowed for dogs to be off-leash at the following locations:

- Warren Park
- Valley Community Centre (north of the gully)
- Sanctuary Park (west of the entrance)
- Little John Park
- Chegwin Park
- Olympic Park (behind the arena)

provided that dogs were under the control of their owner or attendant. In 2001, the City of Hamilton repealed by-law 3676-87, replacing it with 01-169 being a by-law "respecting the control and licensing of dogs and kennels". This new by-law retained the leash free parks established by the former Town of Dundas. While the by-laws serve to designate areas as "leash free", no criteria was established to provide rules, regulations, or administrative and operational guidelines.

On September 19, 1999, the City of Hamilton, the Hamilton S.P.C.A., and a volunteer citizens group P.A.L.Z. (People Advocating Leash Free Zones), joined in a "pilot" project partnership to construct and operate a public leash-free dog park. The leash-free dog park located at 245 Dartnall Road has functioned as a leash free dog park since its inception in 1999 extending the one-year pilot project to a three year trial program.

Staff of the Hamilton S.P.C.A. report that the site is routinely used by numerous individuals and their dogs. It is estimated that 50 people visit the site daily, with periods of high use in the evenings and on the weekends. The pilot project has been well received by the public. To date, there have been limited altercations between animals, their owners, and other park users, and liability concerns to date have proven negligible. Routine inspections and continued site monitoring by the S.P.C.A. have contributed to a positive experience for all park users.

The park has experienced some shortfalls over the past few years including:

- Lack of volunteers to undertake site maintenance and policing

- The City and SPCA have undertaken maintenance without the provision of adequate funding to their operating budgets
- Poor terrain impairs site use
- Limited parking availability
- Limited seasonal accessibility
- Overuse of the site

Given the absence of succinct administrative and regulatory guidelines relative to the operation of the current leash free parks, and the continued public demand for such facilities, staff has been working to create a single policy to be in force throughout the City which would provide a detailed framework relative to site selection criteria and process, capital development and funding measures, park development and implementation process, criteria for site evaluation, rules and regulations, signage requirements, and volunteer involvement.

The recommended service model consists of two types of leash free facilities being "free running areas" and "dog parks" where dogs can be exercised without being in contravention of any municipal by-laws. "Free Running Areas" are designated areas within the existing parkland and open space infrastructure, which have been set-aside for residents to exercise their dogs off-leash. These areas are governed by time restrictions and seasonal restrictions, and are not fenced. "Dog Parks" are fenced facilities where residents are provided with the opportunity to exercise their dogs off-leash within a controlled fenced environment without being in contravention of municipal by-laws. Partnerships are required to support the creation and ongoing maintenance of the dog park facilities.

The main principles of the policy are:

- Self sustainability of the facilities
- Maintaining public and animal safety
- Minimization of environmental impacts
- Community partnerships to support the creation of the parks
- Partnerships to support the ongoing operation of the dog park facilities
- A more equitable distribution of facilities across the City to improve accessibility
- Funding model to support park development and restorative works
- Self-funded program through the collection of $1.00 per dog license sold (to serve as a user fee) with no impacts to the tax levy
- Performance measures to monitor and evaluate facility conditions and operation

The policy as outlined in Report PW03067 as Appendix A provides a framework for planning, design, construction, operation, regulation, funding, management, and community involvement in public leash free facilities. If adopted, this policy will govern all aspects of the leash free parks program for the City and will provide for the development and continued operation of quality facilities. Furthermore, staff will use this policy as the basis for the evaluation of all existing leash free parks and will report back with recommendations relative to the operation of the current facilities.

ANALYSIS OF ALTERNATIVES:

(a) Alternatives of either the status quo, or no policy at all, will not realize the benefits of administrative efficiencies, superior customer service, less confusion for the public, and most importantly, a set of uniform guidelines by which a leash free park program will be regulated.

(b) Council may choose to implement the "dog park" model as outlined in the attached policy and not allow for "free-running areas".

(c) Council may choose to implement the "free running" model as outlined in the attached policy and not allow for "dog parks".

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial Implications

The "leash free" parks program is a self-funded program which will have no operating budget implications for the City. All funding will be derived through the collection of $1.00 per dog license sold (to serve as a user fee) and through the fundraising efforts of community organizations. The leash free parks program will have no impact to the tax levy.

Staff will be working with the SPCA to address outstanding financial matters associated with revenue collection and the leash free program.

Staffing Implications

There are no staffing implications associated with this report. It is expected that the administration of the policy can be accommodated in the regular duties of the Operations and Maintenance Division staff.

Legal Implications

The policy implies a certain liability potential relative to the City providing facilities which permit dogs to run off leash. Allowing dogs off leash may serve to increase the potential for conflict between dogs and humans, or dogs and other dogs. The City may be held somewhat responsible under the *Occupier's Liability Act.*

Staff, in conjunction with input from Risk Management, has sought to reduce the potential for conflict by creating strict guidelines for site selection relative to:

- Minimum size requirements.
- Seasonal and/or time restrictions for those sites in close proximity to school board property or those sites where play equipment and or splashpads/wading pools are present.
- The exclusion of the development of sites on those lands which are bounded by high traffic streets, main thoroughfares, highways, etc, or where sport fields are present.
- The provision of adequate advisory and regulatory signage.

POLICIES AFFECTING PROPOSAL:

The adoption of this policy, and the subsequent implementation of new leash free parks will require amendments to By-law 01-219 ("To Manage and Regulate Municipal Parks") and to By-law 01-169 ("Respecting the Control and Licensing of Dogs and Kennels".

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Internal Consultation

Staff from Legal Services and Corporate Counsel, Risk Management, Planning and Development (Animal Control, Long Range Planning and Design, Capital Planning and Implementation), Public Health and Community Services (Associate Medical Officer of Health, Culture and Recreation), and Public Works (Operations and Maintenance, Water and Waste Water) were consulted in the drafting of this report.

External Consultation

The City's Animal Control Sub-Committee, the Hamilton-Burlington Society for the Prevention of Cruelty to Animals (SPCA), People Advocating Leash Free Zones (PALZ) and representatives from other municipalities including but not limited to Toronto, Mississauga, Oakville, Burlington, Kitchener, London, Guelph, Bellville, and Sanford Florida were consulted in the drafting of this report.

Staff solicited public opinion through a variety of measures including:

1. Public Meeting held on January 23, 2002
2. Public Opinion Survey posted on the City web site, and available in hard copy format at local pet stores from January 5 - February 14, 2002 inclusive.
3. Verbal and written correspondence via telephone conversations, e-mail, and written correspondence.

CITY STRATEGIC COMMITMENT:

The creation of leash free parks will provide additional opportunities for all citizens to participate fully and safely in our community. The funding model presented will aid in encouraging development which makes efficient and economical use of infrastructure and services while minimizing the cost to the residents of Hamilton. Leash Free Parks will serve to improve the health and well-being of citizens and will promote Hamilton as a desirable place to live, work, and play.

APPENDIX "A"
PW03067

THE CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT
OPERATIONS & MAINTENANCE DIVISION

POLICIES & PROCEDURES

POLICY NO:
SUBJECT: **Leash Free Parks**
ELIGIBILITY:

Whereas By-law 01-169 respecting the control and licensing of dogs and kennels, and By-law 01-219 being a by-law to manage and regulate municipal parks prohibit dogs running at large except as provided for in "leash free" facilities, staff has developed this policy to serve as a framework containing succinct guidelines governing the Leash Free Parks Program for the City of Hamilton.

This policy shall work in conjunction with the approved by-laws respecting the control and/or licensing of animals on public lands.

The information contained herein is categorized under the following headings:

1. Definition of Terms
2. Site Selection Criteria
3. Site Selection Process
4. Development Funding
5. Park Implementation Process
6. Site Evaluation
7. Rules and Regulations
8. Signage Requirements

The City recognizes two (2) Leash Free Park models, namely "**free-running areas**" and "**dog parks**". Each of these models is discussed under the category heading.

1. **Definition of Terms**

(a) **Amenities** include such things as park benches, picnic tables, garbage receptacles drinking fountains, light standards, parking facilities, public washroom facilities, telephones, site furnishings, etc.

(b) **Development** is restricted to the provision of regulatory and advisory signage, the installation of fencing and a gated entry system (where required for dog parks), and the provision of any site preparatory works (including grading, repair of drainage problems, removal of landscape obstructions, remediation of safety concerns etc.) on a one time basis.

(c) **Dog Parks** are fenced facilities where residents have the opportunity to exercise their dogs off-leash within a controlled environment without being in contravention of municipal by-laws.

(d) **Environmentally Significant Areas (ESA)** are natural areas that have been identified as unique because they serve important ecological or hydrological functions, contain rare plant or animal species, contain rare or unique topography or geologic features, or have been designated as an Area of Natural or Scientific Interest or a Provincially Significant Wetland.

(e) **Equipment and Apparatus** refers to such things as dog exercise equipment, plastic bag dispensers, bulletin boards, dog drinking fountains, dog wash stations, etc.

(f) **Free Running Areas** are designated areas within the existing parkland and open space infrastructure, which have been set-aside for residents to exercise their dogs off-leash without being in contravention of municipal by-laws. These areas are governed by time restrictions and seasonal restrictions, and are not fenced.

(g) **Leash Free Parks** are those areas, which have been set aside for residents to exercise their dogs off leash without being in contravention of municipal by-laws. The City of Hamilton recognizes two types of leash free parks, namely "free running areas" and "dog parks".

(h) **Neighbourhood Park Signs** are those signs posted in City parkland which contain the name of the park, and posted by-law regulations. In most cases, these signs are found at the primary entrance points of all parks.

(i) **Primary Entrance Point** is the main entrance to the park, and is visually designated with the posting of a neighbourhood park sign.

(j) **Restorative / Remedial Works** means any construction and/or grounds works undertaken to repair or improve site conditions (following the creation of a leash free park) and would include but not be limited to resodding, soil amendments, soil rehabilitation, etc.

(k) **Sport Facilities** include all outdoor athletic fields (such as soccer, football, baseball etc.), tracks and facilities of a like nature.

2. Site Selection Criteria

The following criteria will be used to assess the appropriateness of proposed sites for Leash Free Parks. The City of Hamilton has created regimented criteria in the interest of limiting risk and avoiding potential conflicts among park users. No deviation may be made from the criteria listed below.

(a) Free Running Areas

I. Site use will be regulated by time restrictions and/or season restrictions.

II. Sites must not be less than 1.0 acres in size.

III. Lands are given on an as-is basis and no additional amenities will be provided or permitted.

IV. Only amenities found in a traditional park setting will be permitted. Dog park equipment and apparatus will not be permitted in any free running area.

V. Sites are not permitted in "Environmentally Significant Areas".

VI. Sites bounded by high traffic streets, main thoroughfares, highways, etc. will not be considered for free running designation unless there are adequate landscape and/or geographical barriers to restrict and/or encumber access to the roadway.

VII. Free Running Areas will not be allowed in park sites containing sports facilities.

VIII. Sites that are in close proximity to school board property will be regulated by time restrictions and season restrictions.

IX. Sites will not be permitted along trails.

X. Where play equipment and or splashpads/wading pools are present, the site will be regulated by time restrictions and season restrictions.

XI. Adequate signage (regulatory and advisory) must be posted.

(b) Dog Park

I. Sites must not be less than 2.0 acres but not more than 5 acres in size.

II. Sites will be restricted to particular geographical areas/regions of the City (as determined by the Parks Section) and should not be located in high density residential areas.

III. Sites are not permitted in "Environmentally Significant Areas".

IV. Dog Parks will not be allowed in park sites containing sports facilities for which user groups pay permit fees, unless the total acreage of the potential site exceeds a minimum of 40 acres, and is designed to allow for a fenced pen facility with limited land-use and/or aesthetic conflicts.

V. The site must be equipped with fencing (minimum height of four (4) feet) and must have a double gated entry system.

VI. Sites must have adequate on-site parking provisions.

VII. Adequate signage (regulatory and advisory) must be posted.

VIII. A volunteer committee containing a constant minimum of ten (10) members is required.

IX. Park development costs shall be funded through the Leash Free Parks Account.

X. The Leash Free Parks account will not provide funding for amenities, equipment or apparatus. These items must be funded through the independent efforts of the volunteer committees for a particular site.

3. **Site Selection Process**

(a) Free Running Areas

I. **Initial Proposal Request**

Residents who are interested in having a free-running area in their neighbourhood should submit a completed "Request for Free Running Areas" form to the Parks Section of the Operations and Maintenance Division of Public Works.

II. **Application and Site Evaluation**

The Parks Section will review each proposed site against the established set of guidelines. Staff will also consult with other City departments on an as required basis. If the proposed site does not meet the guidelines, Staff will advise the proponents of the deficiencies. A public meeting will be co-ordinated for those proposed sites, which meet the guidelines.

III. **Community Input**

Parks Staff, in conjunction with the Ward Councillor, and other affected City departments, will participate in a public meeting with neighbourhood residents and affected stakeholders. The meeting will serve as a forum for public education relative to the Leash Free Program for the City of Hamilton.

IV. **Reporting**

Parks Staff will submit a report to City Council with recommendations. All potential free running sites must receive Council approval to be implemented.

V. **Implementation**

Parks Staff will undertake to have all regulatory and advisory signage manufactured and installed in accordance with the availability of funding.

VI. **Performance Evaluation**

All parks will be evaluated once within the first year of operation, and on an as required basis thereafter to determine if further action is required to improve or remove the free-running designation. Where removal is preferred, staff will report to City Council with recommendations. Park closures and/or removals will be at the sole discretion of Council.

(b) Dog Parks

I. **Initial Proposal Request**

Residents who are interested in developing a dog park facility should submit a completed "Request for Dog Park" form to the Parks Section of the Operations and Maintenance Division of Public Works.

II. **Application**

Before considering an application for the development of a dog park, a volunteer committee consisting of a minimum of ten (10) members must be co-ordinated. The volunteer members must agree to:

(i) Organize, co-ordinate, and implement a schedule for site clean-ups and maintenance. Clean-ups are required at least twice per calendar week, and maintenance/repairs must be performed on an as-required basis.

(ii) Organize, co-ordinate, and implement a schedule for fence inspections to occur at least once per calendar week. Inspection Reports must be submitted to the Parks Section once per calendar week and must be signed by the volunteer performing the inspection.

(iii) Provide "Dog-Watch" eyes and ears on the park to identify and help educate irresponsible pet owners and to advise the City of any problems or issues that arise.

(iv) Monitor user activities and guidelines for code of conduct of owners and dogs.

(v) Become involved in fund-raising ventures to finance development initiatives relative to dog parks for the City of Hamilton.

(vi) Become involved in fund-raising ventures to finance the purchase of desired amenities, equipment and apparatus for dog parks

The volunteer committee members will be required to sign the agreement prior to staff considering the request.

III. Site Evaluation

The Parks Section will review each proposed site against the established set of guidelines, when the application is satisfactorily completed. Staff will also consult with other City departments on an as required basis. If the proposed site does not meet the guidelines, Staff will advise the proponents of the deficiencies. A public meeting will be co-ordinated for those proposed sites, which meet the guidelines.

IV. Community Input

Parks Staff, in conjunction with the Ward Councillor, and other affected City departments, will participate in a public meeting with neighbourhood residents, and affected stakeholders. The meeting will serve as a forum for public education relative to the Leash Free Program for the City of Hamilton.

V. Reporting

Parks Staff will submit a report to City Council with recommendations. All potential dog park sites must receive Council approval to be implemented. Park development is subject to the availability of adequate funding.

VI. Park Development

If Council approval has been provided, and when adequate funding is available, Parks Staff will work in conjunction with the volunteer committee to undertake park development.

VII. **Performance Evaluation**

All parks will be evaluated once within the first year of operation, and once every two years thereafter to determine if further action is required to improve or remove the dog park designation. Where removal is preferred, staff will report to City Council with recommendations and necessary by-law amendments. Park closures and/or removals will be at the sole discretion of Council.

4. Development Funding

The development of all free running areas and dog park facilities subject to the availability of funds held in the Leash Free Parks account with the City. All funds will be divided equally between the free-running areas and dog parks. Fiftty (50) per cent of all funds will allocated to free running areas and fifty (50) per cent of all funds will be allocated to dog parks. The following is a description of how funding will be apportioned within each park model.

(a) Free Running Areas

I. 20% of the funds allocated to free running areas will be used for development initiatives which includes the establishment of new parks, the provision of appropriate signage for new parks, and any remedial works required prior to the opening of the site.

II. 80% of the funds allocated to free running areas will be used for ongoing operating costs relating to turf maintenance, garbage removal, ground litter pick-up, restoration/remedial works etc.

(b) Dog Parks

I. 50% of the funds allocated for dog parks will be set aside for development initiatives (including the installation of adequate fencing, double gated entry system, the erection of signage and any remedial site preparatory works).

II. 50% of the funds allocated to dog parks will be used for future restoration/remedial works and infrastructure repairs.

5. Park Implementation Process

(a) Free Running Areas

The development of free running areas will be subject to the following:

I. One free running area will be provided to each ward.

II. Following the establishment of one park per ward, all free running areas will be provided on an as-required or as-requested basis, subject to the availability of funding.

(b) Dog Parks

The development of all dog parks in the City, are considered development items and are subject to the following conditions:

I. The development of all new dog parks will be done on a cost share basis, whereby the City will pay for 50% of the upstart development cost and the volunteer committee will pay the additional 50% of development costs.

II. All cost share initiatives will be done on a first-come first-serve basis, subject to the availability of adequate funding on behalf of the City. The City will only enter into cost share agreements with those volunteer groups having their portion of the required funding, payable to the City, prior to any implementation / development works.

6. Site Evaluations

All leash free parks will be subject to an evaluation process in the interest of quality control and public safety. The evaluation process will serve to determine if further action is required to improve or remove the leash free park designation for a particular site. Where removal is preferred, staff will consult with the Ward Councillor and subsequently report to City Council with recommendations and necessary by-law amendments. Park closures and/or removals will be at the sole discretion of Council.

(a) Free Running Areas

I. All parks will be evaluated once within the first year of operation, and on an as required basis thereafter. When undertaking the evaluation of a free running site, staff will use the following set of indicators to gauge the assessment:

   i. The number and severity of resident complaints documented.

   ii. The number and severity of risk management issues.

   iii. The severity of the degradation of turf, shrub and flowerbed areas.

   iv. The severity of public health concerns.

   v. The number of transgressions for non-compliance with municipal by-laws.

Where one or more of these indicators has been identified as an area of concern which negatively impacts quality control and public safety, staff in conjunction with the Ward Councillor will determine if further action is required to improve or remove the leash free park designation for a particular site. Where removal is preferred, staff will report to City Council with. Park closures and/or removals will be at the sole discretion of Council.

(b) Dog Parks

I. All parks will be evaluated once within the first year of operation, and once every two years thereafter (well as on an as-required basis as the need rises). When undertaking the evaluation of a dog park site, staff will use the lowing set of indicators to gauge the assessment:

i. The number of resident complaints documented on an annual basis.

ii. The number and severity of risk management issues on an annual basis.

iii. The severity of the degradation of turf, shrub and flowerbed areas.

iv. The severity of public health concerns

v. The number of transgressions for non-compliance with municipal by-laws.

vi. The breakdown or lack of involvement of the volunteer group.

vii. Deficiencies in site maintenance.

Where one or more of these indicators has been identified as an area of concern which negatively impacts quality control and public safety, staff in conjunction with the Ward Councillor will determine if further action is required to improve or remove the leash free park designation for a particular site. Where removal is preferred, staff will report to City Council with recommendations. Park closures and/or removals will be at the sole discretion of Council.

7. Rules and Regulations

One of the first ways to promote safety within Leash Free Parks is to establish rules. If the rules are followed and enforced, many problems can be avoided. Dog owners must take the initiative to be a responsible and conscientious group ensuring that their actions support the privilege of sharing parkland and open spaces with the community.

Rules and regulations for the Leash Free Park Program are specific to each park type.

(a) Free Running Areas

I. Dogs must be kept leashed until the off-leash area has been entered.

II. Dogs must be under voice control and are not allowed to disturb or chase people, or to destroy, dig up, or disturb flower beds, lawns, bushes or trees.

III. Poop n' scoop is mandatory, and all individuals must clean up after their dogs.

IV. Dogs must be wearing up to date rabies and dog license tags.

V. Female dogs in heat, and sick dogs are to be kept out of this area.

VI. Aggressive dogs are to be kept out of this area. If a dog starts acting aggressively towards others (people and dogs respectively) it must immediately be leashed and removed from the site.

VII. No dog can be in the park without an adult human attending to it at all times.

VIII. No more than two dogs may be brought into the park by an individual at the same time.

IX. Professional dog trainers must not use this facility for the conduct of their business.

X. Dog owners are subject to Ontario's Dog Owner's Liability Act.

XI. Use the free running areas at your own risk.

(b) Dog Park

I. Dogs must be kept leashed until the off-leash area has been entered.

II. Dogs must be under voice control and are not allowed to disturb or chase people, or to destroy, dig up, or disturb flower beds, lawns, bushes or trees.

III. Poop n' scoop is mandatory. All individuals must clean up after their dogs.

IV. Dogs must be wearing up to date rabies and dog license tags.

V. Female dogs in heat, and sick dogs are to be kept out of this area.

VI. Aggressive dogs are to be kept out of this area. If a dog starts acting aggressively towards others (people and dogs respectively) it must immediately be leashed and removed from the site.

VII. No dog can be in the park without an adult human attending to it at all times.

VIII. No more than two dogs may be brought into the park by an individual at the same time.

IX. Glass containers, rawhide chews, dog toys and food (animal or human) are not permitted within the park.

X. Pinch (prong) and spike collars are not allowed in the Dog Park.

XI. All children must be supervised by an adult attendant while in the park.

XII. Professional dog trainers must not use this facility for the conduct of their business.

XIII. Dog owners are subject to Ontario's Dog Owner's Liability Act.

XIV. Use the dog parks at your own risk.

8. Signage Requirements

(a) Free Running Areas

I. All free running areas must have regulatory and advisory signage posted at the primary park entrance on or in close proximity to the Neighbourhood Park Sign.

II. Adequate advisory signage must also be posted throughout the park, on an as-required basis.

III. Signage must be posted indicating that any incidence of dog bites or scratching of humans must be immediately reported to the Public Health and Community Services Division for Rabies Control and staff follow-up.

(b) Dog Parks

I. All dog parks must have regulatory and advisory signage posted directly outside the entry gate to the fenced pen.

II. Signage must be posted indicating that any incidence of dog bites or scratching of humans must be immediately reported to the Public Health and Community Services Division for Rabies Control and staff follow-up.

DIRECTOR APPROVAL: ____________________

APPROVED DATE: ____________________

REVISED DATE: ____________________

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

13.6

PUBLIC WORKS DEPARTMENT
Transit Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Don Hull Acting General Manager
Date:	May 20, 2003	**Prepared by:**	Paul Thompson 905-679-7304

SUBJECT: **University Bus Pass Program - McMaster Students Union and McMaster Graduate Students Association (PW03068) - (City Wide)**

RECOMMENDATION:

(a) That the General Manager of Public Works be authorized and directed to negotiate a three-year Agreement with the McMaster Students Union and McMaster University for a University Bus Pass Program, commencing September 1, 2003, under terms and conditions outlined in this report.

(b) That the General Manager of Public Works be authorized and directed to negotiate a one-year renewable Agreement with the McMaster Graduate Students Association and McMaster University for a University Bus Pass Program, commencing September 1, 2003, under terms and conditions outlined in this report.

(c) That the Mayor and Clerk of the City of Hamilton be authorized and directed to execute the said Agreements in a form satisfactory to the Acting City Solicitor and Corporate Counsel.

Peter M. Crockett, P.Eng.
General Manager
Public Works

EXECUTIVE SUMMARY:

HSR has maintained a University Bus Pass program with the McMaster Students Union (MSU), representing undergraduate students at McMaster University, for the last three years. The current Agreement expired on April 30, 2003, and a new one is required to operate the University Bus Pass program for the 2003/2004 academic year beginning on September 2003. Similarly, HSR has maintained this program with the McMaster

Graduate Students Association (GSA), representing graduate students at McMaster University, for the last year. The Agreement with the GSA expires on August 31, 2003 and a new one is required to operate the University Bus Pass program for the 2003/2004 academic year beginning on September 2003. The two Agreements are similar in scope and content, with some different provisions which recognize the specific requirements of each of the MSU and the GSA. McMaster University participates in each of these Agreements as the administrator for collection of fees and issuance of the pass itself.

The terms of the proposed Agreements are essentially the same as the ones previously approved by Council, with one substantial change. Both the MSU and GSA have requested that they have the right under the Agreement to reconsider their respective participation should HSR service hours change by greater than 5% from current levels in any academic year. This request is in response to the proposed service changes which had been under consideration during the 2003 Operating Budget deliberations. There was a great deal of concern expressed by the McMaster student body and other stakeholders at the University regarding proposed service level changes, and it is clearly the desire of those groups that service improvements to the University be considered in the 2004 and future budget deliberations. As a result of the concerns arising from the service level discussions, the MSU chose to take the question of program renewal to referendum in March 2003; the proposition to remain in the program carried by affirmation of more than 90%, indicating the strong support and expectations of the students. The GSA did not hold a referendum on participation in the program for the coming academic year, but have indicated that they will hold one early in 2004. A further request by the GSA to allow for some students to “opt-out” under specific circumstances has been accommodated within the proposed Agreement with minimal impact on the level of student participation in the program.

The MSU Agreement requires that all MSU students be assessed an annual activity fee for the Bus Pass program equal to the cost of an HSR Adult Monthly Bus Pass, currently set at $65. There are approximately 14,500 registered undergraduate students, with an expected growth in the next two academic years of up to 3,500 further registrants as a result of the double cohort in 2003 and expansion of University program capacity.

The GSA Agreement requires that all GSA students be assessed an annual activity fee for the Bus Pass program equal to 1.5 times the cost of an HSR Adult Monthly Bus Pass, currently set at $65, or $97.50. There are approximately 1,650 registered undergraduate students. The differential in pricing between the MSU and GSA Agreements recognizes the twelve-month academic year for GSA students, as compared to the eight-month academic year for MSU students.

HSR anticipates about $1,150,000 in net annual revenue from these Agreements, with further potential growth to a net annual revenue of about $1,300,000 over the next two years. Passenger trips resulting from this program are currently about 1.75 million per year.

Due to the anticipated growth expected at McMaster University over the next two years, there is risk that the additional revenues generated from the program may not entirely offset additional operational expenditures required to provide a satisfactory level of service to the University area.

BACKGROUND:

HSR and the MSU negotiated the University Bus Pass program in the mid 1990's, replacing the previously maintained Semester Bus Pass program. The result has been increased, stable revenues for HSR; greatly increased use of public transit by McMaster University students, which in turn has assisted in containment of parking and traffic pressures in the King Street West / Main Street West / Stirling Street corridor; and a benefit to students that has been widely praised for its affordability and responsiveness.

ANALYSIS OF ALTERNATIVES:

Should Council choose not to approve the recommendation, HSR could:

- attempt to negotiate a revised University Bus Pass program with the MSU and GSA based on specific Council direction;
- utilize the current approved fare structure and require a fare of MSU and GSA students equal to the current adult fare; or
- re-institute the semester bus pass program for MSU and GSA students.

There is not thought to be any positive prospect of negotiating a revised Agreement with the respective groups which increases revenues or lowers operating costs through reduced service requirements. Withdrawal of the program would have significant impacts on revenues which, although they cannot be readily determined, are thought to be a minimum of $500K.

It is further thought that there would be a major impact on the modal split between transit and auto use in the McMaster University area, with increased pressures on traffic patterns and parking demand.

For individual students who might continue to use public transit, there will be a significant increase in cost, even should a program such as the Semester Bus Pass program be re-instituted.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are positive financial implications associated with the University Bus Pass, as the program revenues are greater than those achieved from the same passenger group prior to implementation of the program, although a significant portion of these increased revenues are offset by increased operating costs associated with service levels.

There are no staffing implications associated with the recommendation.

There are no legal implications associated with the recommendation.

POLICIES AFFECTING PROPOSAL:

Council has previously considered the HSR Business Plan, which includes a strategy for maintaining such a program as is recommended, and extending this program further to Mohawk College and other applicable institutions where an agreement can be concluded with stakeholders. The form of this program has also been successfully applied to Redeemer College.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Consultation was carried out with the McMaster Students Union, the McMaster Graduate Students Association, McMaster University Administration, and the City's Legal Services division.

CITY STRATEGIC COMMITMENT:

The recommendation of this report supports the City value of Fiscal Responsibility by contributing significant revenue to offset operating costs.

The recommendation supports City goals of A Great City In Which To Live, by providing a continued quality Transit service at a cost that remains affordable to the user; and A City That Spends Wisely and Invests Strategically, by maintaining Transit service levels which support the employment, education and social pursuits of citizens.

SECTION 14

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

14.1

PUBLIC WORKS DEPARTMENT
Operations & Maintenance Division
and
PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Peter M. Crockett, P.Eng. General Manager Lee Ann Coveyduck General Manager
Date:	May 12, 2003	**Prepared by:**	Steve Barley Extension 6164 Hazel Milsome Extension 2755

SUBJECT: **Seasonal Decorative Tree Lighting - Electricity Charges (PW03061/PD03129) - (City Wide Implications)**

RECOMMENDATION:

(a) That payment of the outstanding 2002 electrical energy charges related to seasonal decorative tree lighting in areas of recognized Business Improvement Areas and Business Associations at a cost of approximately $2000, be approved and charged to Dept ID 469055.

(b) That the City of Hamilton install equipment in 2003 to control the timing of the seasonal decorative tree lighting, with the cost of this equipment, approximately $25,000, to be charged to the street lighting capital account 4030310016.

(c) That the City of Hamilton pay from the streetlighting energy account, the 2003 and subsequent year electrical energy charges related to seasonal decorative tree lighting in areas of recognized Business Improvement Areas and Business Associations, at an annual cost of approximately $6500, on the basis that decorative lighting will be typically illuminated during the hours of about 5:00 p.m. to 1:00 a.m. daily during the year-end holiday season.

Peter M. Crockett, P.Eng.
General Manager
Public Works

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

For the fiscal year 2002, Hamilton Hydro has sent invoices to a number of Business Improvement Areas (B.I.A.s) and Business Associations for electricity consumed for seasonal (typically during the Christmas and New Year period) decorative tree lighting displays. Before the formation of the new City of Hamilton, almost all of these electricity costs were paid for by the former municipalities via B.I.A. support or were absorbed by the local hydro utilities. City development staff met with representatives of B.I.A.s and Business Associations. Since the City paid the majority of the electricity costs in the past, it is recommended that the City continue to support local business, but formally recognize the electricity charges for seasonal decorative tree lighting in the street light energy budget. The total annual cost if energy savings were not implemented, would be $14,500 annually. This would represent an increase of approximately $2,000 for electricity expense in street lighting for costs not previously supported.

Most of the seasonal decorative lighting has been operated with the lighting on 24 hours per day. By providing timers or other equipment to control this lighting so it is only displayed from late afternoon to just past midnight, energy costs could be reduced by $8,000 annually. This would give a three year payback for the cost of $25,000 for implementation of the energy saving equipment. It is suggested that the funding for the equipment should be drawn from the street lighting capital account. Almost all of the BIAs, including the three downtown B.I.A.s which represent the majority of energy expenditures, have been contacted and all that responded are in agreement with the reduced hours of decorative lighting operation.

BACKGROUND:

The information/recommendations contained within this report have city wide implications.

Staff received a request from Hamilton Hydro regarding actual electricity use for seasonal decorative tree lighting displays in the various B.I.A.s and Business Association areas. They also asked who would pay the 2002 hydro charges. The requested information was forwarded to Hamilton Hydro. Subsequently, the affected B.I.A.s and Business Associations received invoices for Hamilton Hydro for decorative tree lighting after the New Year.

At present, the City pays electricity charges for tree lighting in the Gore Park and surrounding downtown area. In other areas of the former City of Hamilton, electricity costs were paid by the City or absorbed by Hamilton Hydro. In the outlying areas, of Ancaster, Waterdown, Dundas, Stoney Creek and Lynden, the former local hydro utilities absorbed the costs. After the formation of the new City of Hamilton, Hamilton Hydro has indicated it will no longer absorb any of these costs in the affected areas.

Staff recommends that payment of the 2002 and subsequent energy costs by the City of Hamilton would provide a consistency in approach and demonstrate support to those business districts that have spent thousands of dollars on purchasing the Christmas decorations to create a seasonal ambience throughout the City. Collectively in 2003 the B.I.A.s represent $750,000 in B.I.A. levies that are injected back into the local economy through various activities of the B.I.A.s including purchasing of seasonal decorations. Since the City paid the majority of the electricity costs in the past, it is recommended that the City continue to support local business by paying the electricity charge for seasonal decorative tree lighting at all existing locations.

However, the lighting is now energized 24 hours per day. To minimize the long-term energy costs to the City and to demonstrate environmental stewardship, it is recommended that the lighting be limited to evening hours, typically 5:00 p.m. to 1:00 a.m. corresponding to normal periods of commercial operations. This can be accomplished by adding timers or other equipment. The capital cost of equipment, $25,000 would be recouped in three years. The B.I.A.s in the downtown area (International Village, Downtown and King West) comprise the bulk of the energy use. The three downtown BIAs and almost all other business areas have been contacted about the change in hours of operation. All who have responded to date are in agreement with the reduced hours.

ANALYSIS OF ALTERNATIVES:

The alternative to the first recommendation would be to decline paying part or all of the 2002 seasonal decorative tree lighting electricity charges including the downtown areas. This would place the financial burden on the B.I.A.s and Associations.

The alternative to the recommendation to install energy control equipment, would be no action, which would keep the seasonal decorative tree lighting energized 24 hours per day and continue to incur the associated higher energy charges of about $14,500 annually versus about $6,500.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial

The recognized areas and the corresponding approximate present annual electricity consumption for decorative street lighting is as follows:

Ancaster	$ 480
Barton Village B.I.A.	$ 70
Concession B.I.A.	$ 170
Dundas B.I.A.	$ 485
Downtown Hamilton	$12,500
Kenilworth B.I.A.	$ 160
Lynden B.A.	$ 100
Stoney Creek B.I.A.	$ 150
Waterdown B.I.A.	$ 230
Westdale B.I.A.	$ 100
Total	**$14,445**

The 2003 overall street lighting energy budget has been set at $2,068,500. The 2002 energy budget was exceeded due to increased hydro rates.

Electricity for seasonal decorative tree lighting displays for the Gore Park and surrounding downtown areas has historically been provided for in the annual energy budget for street lighting, at a cost of about $12,500. To include other B.I.A. and Business Association areas, the net increase to street lighting energy would amount to about $2,000. The overall cost can be reduced by about 60%, to about $6500, with the use of equipment to control the timing of the lights.

Sufficient funds exist in Capital budget 4030310016 to accommodate the $25,000 estimated expenditure on control equipment.

Staffing and Legal

N/A

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Public Works and Planning and Development staff met with representatives of the B.I.A.s and Business Associations. There have also been discussions with Hamilton Hydro staff.

CITY STRATEGIC COMMITMENT:

The implementation of this change would treat all B.I.A. and Business Associations equally.

The implementation of this proposal would allow the City to realize energy savings in 2003 and subsequent years, in keeping with our environmental responsibilities.

SECTION 15

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

15.1

WORKING GROUP ON ADVISORY COMMITTEES

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Councillor Russ Powers on behalf of the Working Group on Advisory Committees
Date:	May 21, 2003	**Prepared by:**	Stella Glover - 546-3993

SUBJECT: Volunteer Co-ordinating Committees

THE WORKING GROUP ON ADVISORY COMMITTEES HAVING MET ON MAY 15, 2003 PRESENTS REPORT 03-001 AND RESPECTFULLY RECOMMENDS:

RECOMMENDATION:

(a) That Schedule A of Report CMO01006 respecting Volunteer Co-ordinating Committees approved by City Council as Item 15 of Committee of the Whole Report 01-036, and replaced by City Council at its meeting on February 13, 2002, be deleted in its entirety and replaced with the attached Schedule A in lieu thereof, in order to reflect the existing Volunteer Co-ordinating Committee structure.

(b) That the Budget Allocation for City of Hamilton Volunteer Committees attached as Appendix B to the Report 03-001 of the Working Group on Advisory Committee be adopted.

Councillor Russ Powers,
Chairman

EXECUTIVE SUMMARY:

N/A

BACKGROUND:

As part of the 2003 Budget Deliberations the Committee of the Whole received budget requests from the Voluntary Co-ordinating Committees in the total amount of $235,000.

The Committee of the Whole and subsequently City Council, allocated the sum of $61,000 and directed the established Sub-Committee of Council to reconvene to make recommendations on how the $61,000 would be divided amongst the Co-ordinating Committees. The $61,000 allocated for 2003 represents a $12,750, or 26.4% increase over the 2002 restated Volunteer Committee budget of $48,250.

On May 15, 2003 the working group met and was advised that the Public Works Department currently had $26,750 in its operating budget which would be utilized by the following three TOE/Planning Volunteer Co-ordinating Committees, namely Hamilton Cycling Committee, Dundas/Flamborough Environmental Advisory Committee, and Keep Hamilton Clean/Stoney Creek Clear3 Advisory Committee. This was separate from the $61,000 Volunteer Co-ordinating Committee Budget.

The Working Group deemed that a maximum of $1,500 was a reasonable average estimate for incidental costs and this amount was therefore allocated to the groups who had submitted budget requests for incidental costs. Any group who had submitted a request for a lesser amount than $1,500 was allocated the lesser amount. This accounted for $21,740 of the $61,000 budget.

The following allocations were also made:
The amount of $9,500 was allocated to the Veterans Committee for Remembrance Day and other activities. It was noted that the cost for Dieppe Opening Ceremonies is funded from another source.

The Status of Women Committee was allocated $2,000 for its Awards Ceremony in addition to the sum of $1,500 for incidental costs.

The remaining amount of $27,760 was split evenly between the groups who had requested additional funding, resulting in eleven groups receiving the amount of $2,000. The balance of $5,760 remains unallocated at this time.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

N/A

APPENDIX 'A' to Working Group on Advisory Committees Report 03-001

Volunteer Co-Ordinating Committees

(as presented by the Council Working Group for Volunteer Committees)

Corporate Services

Committee Against Racism
Committee Against Discrimination
Hamilton Status of Women Committee
Advisory Committee for Persons with Disabilities
Regional Advisory Committee on Immigrants and Refugees
Seniors Advisory Committee
Hamilton/Dundas Mundalization Committee
Kids for Kaga
Gay, Transgendered, Lesbian, Bisexual
Hamilton Aboriginal Advisory Council

Community Services

Ancaster Youth Activity Council
Arts Advisory Committee
Hamilton Historical Board
Hamilton Veterans Committee
Hamilton Farmers' Market Sub-Committee

Public Works

Hamilton Cycling Committee
Dundas/Flamborough Environmental Advisory Committee
Keep Hamilton Clean Committee/Stoney Creek Citizens Leading for Environmental Action in Reducing Reusing and Recycling Committee (CLEAR$_3$)

Planning and Development

Ainslie Wood – Westdale Secondary Plan Executive Committee
Agricultural and Rural Affairs Advisory Committee
Ancaster Village Core Advisory Committee
Central Hamilton Advisory Committee

Social & Public Health Services

Food & Shelter Advisory Committee
Proposed Tenant Advisory Committee

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Appendix 'B' to Working Group on
Advisory Committees Report 03-001

CITY OF HAMILTON
VOLUNTEER COMMITTEES

RECOMMENDED BUDGET ALLOCATION

VOLUNTEER COMMITTEE	2003 Request	PROPOSED 2003 ALLOCATION			
		Incidental Costs*	Other Allocations	Other Funding Source**	Notes
CORPORATE SECRETARIAT VOLUNTEER CO-ORDINATING COMMITTEE					
Committee Against Racism	$9,200	$1,500	$2,000		
Committee Against Discrimination	$8,750	$1,500	$2,000		
Hamilton Status of Women Committee	$15,000	$1,500	$2,000		Women Awards Ceremony
Advisory Committee for Persons with Disabilities	$14,500	$1,500	$2,000		
Regional Advisory Committee on Immigrants and Refugees	$15,500	$1,500	$2,000		
Seniors Advisory Committees	$1,700	$1,500	$0		Only requested incidental costs and survey
Hamilton/Dundas Mundalization Committee	$13,300	$1,500	$2,000		
Kids for Kaga (Referred from the Grants Sub-Committee)	$0	$0	$2,000		
Hamilton Aboriginal Advisory Committee	$1,750	$1,500	$0		Only requested incidental costs
GLBT (Gay, Lesbian, Bisexual, Transgendered) Committee	$6,750	$1,500	$2,000		
TOTAL CORPORATE SECRETARIAT VCC	**$86,450**	**$13,500**	**$16,000**		
COMMUNITY SERVICES VOLUNTEER CO-ORDINATING COMMITTEE					
Ancaster Youth Advisory Council	$16,000	$1,500	$2,000		
Arts Advisory Commission	$27,100	$1,500	$2,000		
Hamilton Historical Board	$32,100	$1,500	$2,000		
Hamilton Veteran's Committee	$25,000	$0	$9,500		Same as identifiable 2002 Actuals
Hamilton Farmers Market Sub-committee	$0	$0	$0		
TOTAL COMMUNITY SERVICES VCC	**$100,200**	**$4,500**	**$15,500**		

Appendix 'B' to Working Group on
Advisory Committees Report 03-001

CITY OF HAMILTON
VOLUNTEER COMMITTEES

RECOMMENDED BUDGET ALLOCATION		PROPOSED 2003 ALLOCATION			
VOLUNTEER COMMITTEE	**2003 Request**	**Incidental Costs***	**Other Allocations**	**Other Funding Source****	**Notes**
SOCIAL & PUBLIC HEALTH SERVICES VOLUNTEER CO-ORDINATING COMMITTEE					
Food and Shelter Advisory Committee	$5,200	$1,500	$2,000		
TRANSPORTATION, OPERATIONS AND ENVIRONMENT/PLANNING & DEVELOPMENT VCC					
Ainslie Wood - Westdale Secondary Plan Executive Committee & Team (ASPECT)	$1,200	$350	$0		Only requested incidental costs and status report
Hamilton Cycling Committee	$16,083	$0	$0	$6,250	
Dundas/Flamborough Environmental Advisory Committee	$2,300	$0	$0	$2,250	
Keep Hamilton Clean/Stoney Creek Clear3 Advisory Committee	$18,150	$0	$0	$18,250	
Agricultural and Rural Affairs Advisory Committee	$2,000	$1,500	$0		Only requested incidental costs
Central Hamilton Advisory Committee	$390	$390	$0		Only requested incidental costs
Ancaster Village Core Advisory Committee	$2,500	$0	$0		
TOTAL TOE/P&D VCC	**$42,623**	**$2,240**	**$0**		
UNALLOCATED VOLUNTEER COMMITTEE FUNDING			**$5,760**		
TOTAL VC FUNDING	**$234,473**	**$21,740**	**$39,260**		**$61,000**

ASSUMPTIONS:
*Allocate the average of $1,500 in incidental costs to VC's that submitted a budget requesting incidental costs. If the incidental request was for an amount less than $1,500, that amount was used.

**The TOE VC's have been funded entirely from the TOE Volunteer Committee budget of $26,750.

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

15.2

PLAYFIELDS SUB-COMMITTEE
Office of the City Clerk

Report to:	Mayor and Members of Council	**Submitted by:**	Councillor Chad Collins on behalf of the Playfields Sub-Committee
Date:	May 16, 2003	**Prepared by:**	Ida Bedioui 905 546-4605

SUBJECT: Terms of Reference– (City Wide)

RECOMMENDATIONS:

THE PLAYFIELDS SUB-COMMITTEE, HAVING MET ON May 13, 2003 PRESENTS REPORT 03-001 AND RESPECTFULLY RECOMMENDS:

(a) That the Playfields Sub-Committee Terms of Reference, attached as Appendix A; to the Playfields Sub-Committee Report 03-001 be approved.

Chad Collins

Councillor Chad Collins, Chairman
City of Hamilton Playfields Sub- Committee

EXECUTIVE SUMMARY:

Staff requested that Terms of Reference be approved in order to begin the ground work for harmonizing the City's playfield rental fees.

BACKGROUND:

On March 5, 2003, Council approved the staff recommendation in Report CS03009 that a Playfields Sub-Committee be formed to review all outdoor field rental rates charged to the minor and adult sports groups in the City of Hamilton. This Sub-Committee replaces the former Soccer Sub-Committee and is broader in scope.

All the former members have been retained (Councillors Collins (Chairman), Councillor D'Amico, Councillor Di Ianni, Councillor Kelly, and Councillor Merulla).

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Staff have indicated that the principles in these Terms of Reference will be helpful in their daily field rental procedures.

POLICIES AFFECTING PROPOSAL:

Nil

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

CITY STRATEGIC COMMITMENT:

N/A

Appendix A

Playfields Sub-Committee

Terms of Reference

Purpose:

The Playfields Sub-Committee is a committee of the Corporation of the City of Hamilton to provide policy direction for the orderly execution, allocation and matters associated with the overall operations of City-owned playfields.

Mandate:

The Playfields Sub-Committee will submit reports to the Council Committee of the Whole for approval of any matters recorded at the sub-committee meetings. The sub-committee is not a decision-making committee but may submit recommendations to the Committee of the Whole for its approval.

Definition:

Playfields:	City owned outdoor soccer pitches, baseball and softball diamonds, football fields, Lacrosse fields, lawn bowling and bocci courts, cricket and rugby fields.

Composition:

The Playfields Sub-Committee is composed of the following members: Councillor C. Collins (Chairman) and Councillors F. D'Amico, L. DiIanni, B. Kelly and S. Merulla

The Director of Culture and Recreation or his designate, the Manager of Community Development and Strategic Planning, the Co-Ordinator of Sportsfields Allocation and the Manager of Sportsfields Parks-Maintenance will be the staff resource persons.

Representatives from the following will provide input::

Soccer, Baseball, Adult and Youth Softball, Youth and Adult Football, etc.

Quorum:

A quorum to fulfill the requirements for a regularly scheduled meeting shall be minimally three members of the Sub-Committee.

Key Principles:

The City of Hamilton Playfields Sub-Committee will utilize the following principles in the orderly execution of its duties at committee meetings:

Equity:

Playfield user groups will be treated in a fair and equitable manner.

Priority Assignment:

It is duly recognized that Hamilton Youth oriented organizations (18 years of age and under) will utilize the majority of city-owned playfields. The City will endeavour to maintain and develop reciprocal use agreements with school boards for the use of and allocation of playfields.

User Group Assignment:

All duly recognized City of Hamilton user groups must have 95% of their members as Hamilton residents/taxpayers to be considered for allocation of City-owned/reciprocal use playfields.

User pay:

All playfield user groups will pay an annually established and Council approved rate for the use of playfields and associated amenities (lights, canteens, and storage-change rooms where applicable).

Out of City User Group Surcharge

It is duly recognized that non-resident groups from outside the City of Hamilton will pay a surcharge for the use of playfields and associated amenities depending on availability.

Cancellation:

It is to be acknowledged that the City of Hamilton through Culture and Recreation services may cancel and or adjust playfield allocation times over the course of the season due to special events (tournaments, special competitions) and/or general operational/maintenance requirements.

Level of Service:

The City of Hamilton through Culture and Recreation Services and associated Service Departments will endeavour to provide the highest level of customer service in the allocation of and maintenance and care of its playfields.

Community and User Group Engagement:

The Playfields Sub-Committee will endeavour to meet with, consult with and provide regular opportunities to recognize user groups for the enhancement of playfield programming, and organizational effectiveness.

Meeting Schedule:

The Playfield Sub-Committee will meet minimally three times a year or at the call of the Committee chair. It is preferable that these meetings are prior to, during and immediately after the recognized season(s) for playfield users (November, March, June).

Matters for Sub-Committee Discussion and Consideration:

The following items may be discussed but are not limited to the following:
- Playfield Allocation Processes/Procedures
- Determination of rates – fees, charges
- Priority Scheduling matters
- Risk Management –Insurance – Legal Liability
- Field Maintenance Standards
- Rules: Deportment of Customers/Users
- Affiliation Agreements
- User Group Listings
- Accounts Receivable Program
- Customer Service
- Customer/User Group Liaison
- Design-Development-Retrofit of Playfields

SECTION 16

SECTION 17

SECTION 18

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MUNICIPAL DOCUMENT

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

FINANCE & CORPORATE SERVICES DEPARTMENT
Budgets and Fiscal Policy Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo General Manager,
Date:	November 13, 2002	**Prepared by:**	Roberto Rossini x 4523 Joe Spiler x4519 John DiBattista x4371 Charlie Elliott x2162

SUBJECT **City of Hamilton 2003 - 2012 Capital Budget Outlook FCS02131 (City Wide)**

RECOMMENDATION:

That report FCS2131 "City of Hamilton 2003 – 2012 Capital Budget Outlook", be received for information.

Joseph Rinaldo

Joseph L. Rinaldo, General Manager,
Finance and Corporate Services

EXECUTIVE SUMMARY:

The purpose of this report is to present to Council a preliminary draft of the 2003 Tax Capital Budget, the 2003 – 2012 Tax Capital Budget Forecast and to outline major tax capital budget issues. The information in this report will also be made available to the public during the 2003 Budget consultations.

2003 – 2012 TAX CAPITAL BUDGET ASSUMPTIONS

Background

The Capital Budget impacts the tax levy (i.e. operating budget) in two ways:

- Funding for debt charges that are used to repay principle and interest expenses on money borrowed to finance projects.
- Funding that is transferred from the operating budget (ie. tax levy) directly to finance projects in the capital budget.

In 2002, $62.3 million (13% of the City's $477.0 million tax levy) was used for capital purposes.

- $45.8 million for debt charges.
- $16.5 million transfer from operating to capital.

Through report CM02 – 003, Council approved the following budgetary guidelines for 2003:

"Property Tax – maximum general tax levy increase of 2.0% with a further 1.5% to be dedicated to Capital Works Reserves (total 3.5%).

Assumptions

1. Working with the approved 2003 Tax Budget Guidelines, staff present 2 options for the draft 2003 capital budget.

   a) A 1.5% general levy increase (based on 2002 net operating budget = $477 million x 1.5% = $7.2 million), to be dedicated for Capital purposes. This equates to a $7.2 million dollar increase to the 2002 Capital tax levy of $62.3 million.

   b) A residential only tax increase of 1.5% dedicated to Capital. This would increase the 2003 Capital tax levy by $4.3 million. Every $2.9 million equates to a 1% residential tax increase.

2. Priority infrastructure for the 2003 – 2012 capital plan would be financed by the newly proposed tax-exempt Opportunity Bonds at a interest rate of approximately 4% (versus a non-tax-exempt rate of approximately 7%). The Ontario Municipal Economic Infrastructure Financing Authority (OMEIFA) proposes to issue Opportunity Bonds to finance municipal infrastructure related to:

   - Roads and bridges
   - Waste management infrastructure
   - Public transit
   - Water and sewage treatment (refer rate capital budget for financing impacts)

Using assumption 1(a), the Opportunity Bonds would add $9.2 million to the 2003 Tax Capital Program compared to conventional municipal debenturing. Over a 10-year period, $45.6 million in additional capital projects would be affordable.

3) Operating costs, which accompany approved 2003 capital projects, are included within the 2003-operating budget under "Corporate Financials". In that way, decisions can be made while knowing the full long term operating implications of proposed new capital projects. When a capital project is completed, then the corresponding operating component is transferred to that department's base operating budget.

BACKGROUND:

This report has City-wide implications.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

DRAFT 2003 CAPITAL OUTLOOK:

Options: Impact of Capital Budget on Operating

This report presents the City of Hamilton's draft 2003 - 2012 capital budget outlook in terms of affordability and sustainability, taking into account current and forecast debt levels.

The 2003 Tax Budget Guideline calls for a maximum general tax levy increase of 2.0% with a further 1.5% ($7.2 million) to be dedicated for capital purposes (i.e. the capital budget impact on the operating budget). The capital portion would translate into a 2.5% residential tax increase in 2003, since the City cannot increase multi-residential, commercial and industrial taxes. If the 1.5% increase is calculated as a residential tax impact only (i.e. due to fiscal constraints), this would increase the 2003 tax capital levy by only $4.3 million. This report focuses on the 1.5% general levy increase but will provide capital capacity information on both options.

Table 1 - Option A illustrates that of the proposed $69.5 million 2003 Capital Tax levy, $47.1 million would be spent on existing debt charges, leaving $22.4 million to support new long-term borrowing for 2003 Capital projects. This amount is comprised of a combination of direct dollar funding (i.e. transfers to the capital budget - $20 million) and new debt charges (Red Hill Valley Project - $.4 million, other new capital-$2.0 million).

TABLE 1 - OPTION A

1.5 % GENERAL LEVY INCREASE DEDICATED TOWARDS CAPITAL (000's)

	2002 APPROVED	2003 PROPOSED	CHANGE $	CHANGE %
Debt Charges				
- New - General	836	2,052	1,216	145.5%
- New - Red Hill Valley Project	155	386	231	149.0%
- Existing	44,750	47,096	2,346	5.2%
Transfer To Capital From Operating	16,535	19,942	3,407	20.6%
Total Impact of Capital On Operating budget	62,276	69,476	7,200	11.6%
Total Res. Tax Impact per Household	$ 277.00	$ 330.00	$ 53.00	2.5%

Table 1 - Option B reflects the impact if a 1.5% tax capital levy increase is calculated over just the residential tax levy, the 2003 tax capital levy would increase by $4.3 million which would equate to a 1.5% residential property tax increase.

TABLE 1 - OPTION B

1.5 % RESIDENTIAL ONLY LEVY INCREASE DEDICATED TOWARDS CAPITAL (000's)

	2002 APPROVED	2003 PROPOSED	CHANGE $	CHANGE %
Debt Charges				
- New - General	836	2,052	1,216	145.5%
- New - Red Hill Valley Project	155	386	231	149.0%
- Existing	44,750	47,096	2,346	5.2%
Transfer To Capital From Operating	16,535	17,042	507	3.1%
Total Impact of Capital On Operating budget	62,276	66,576	4,300	6.9%
Total Res. Tax Impact per Household	$ 277.00	$ 309.00	$ 32.00	1.5%

Table 2, Options A and B illustrate the proposed 2003 total tax capital outlook that would be supported from the 1.5% general levy increase compared to the monies generated from a 1.5% residential tax increase calculated over only the residential tax levy. Option B reduces the affordable projects by $2.9 million when compared to Option A.

TABLE 2 OPTION A

2003 CAPITAL BUDGET OUTLOOK
PROPOSED SOURCES OF FUNDING
BASED $7.2 MILLION INCREASE IN CAPITAL LEVY
(000's)

SOURCES OF CAPITAL FINANCING	2002 APPROVED	2003 FORECAST BASED ON 2002 FINANCING PLAN	DRAFT 2003 CAPITAL OUTLOOK
Reserves	45,282	29,792	39,793
Development Charges	4,820	3,700	5,648
Other Revenues / Subsidies	30,562	37,390	30,096
Transfer From Operating	16,297	16,826	19,187
External Debt-Financing Plan	37,862	27,324	45,627
External Debt-Expressway	3,569	16,562	8,578
External Debt-Development Charges	3,300	-	
TOTAL CAPITAL PROJECTS SUPPORTED BY FINANCING PLAN	**141,692**	**131,594**	**148,929**

TABLE 2 OPTION B

2003 CAPITAL BUDGET OUTLOOK
PROPOSED SOURCES OF FUNDING
BASED $4.3 MILLION INCREASE IN CAPITAL LEVY
(000's)

SOURCES OF CAPITAL FINANCING	2002 APPROVED	2003 FORECAST BASED ON 2002 FINANCING PLAN	DRAFT 2003 CAPITAL OUTLOOK
Reserves	45,282	29,792	39,793
Development Charges	4,820	3,700	5,648
Other Revenues / Subsidies	30,562	37,390	30,096
Transfer From Operating	16,297	16,826	16,288
External Debt-Financing Plan	37,862	27,324	45,627
External Debt-Expressway	3,569	16,562	8,578
External Debt-Development Charges	3,300	-	
TOTAL CAPITAL PROJECTS SUPPORTED BY FINANCING PLAN	**141,692**	**131,594**	**146,030**

2003 CAPITAL BUDGET PRIORITIZATION

For the City of Hamilton's 2003 draft Capital Outlook, departments have submitted a total of $194 million in gross project requests. Table 3, Options A & B: show the impact the 1.5% general levy increase compared to the 1.5% residential tax increase calculated over only the residential tax levy. Option B reduces the 10-year outlook of affordable projects by $159.5 million compared to Option A.

TABLE 3 OPTION A

2003-2012 CAPITAL BUDGET FINANCING PLAN
TAX SUPPORTED PROGRAM - AFFORDABLE / UNAFFORDABLE
BASED $7.2 MILLION INCREASE IN CAPITAL LEVY ($ 000)

	2002-2011		2003-2012		
Year	Requested Gross Cost	Affordable Gross Cost	Requested Gross Cost	Affordable Gross Cost	Unaffordable Gross Cost
	$	$	$	$	
Approved 2002	249,527	141,359	249,527	141,359	108,168
2003	207,537	131,594	194,455	148,929	45,526
2004	233,092	136,400	244,242	144,930	99,312
2005	211,206	115,917	214,948	119,027	95,921
2006	179,269	95,104	177,304	113,661	63,643
2007	136,579	72,414	142,020	95,354	46,666
2008	125,395	76,476	134,121	89,522	44,599
2009	116,719	78,761	125,230	99,343	25,887
2010	122,468	93,488	124,064	108,312	15,752
2011	116,182	97,180	105,434	115,545	(10,111)
2012	-	-	103,379	122,514	(19,135)
TOTAL	1,697,974	1,038,693	1,565,197	1,157,137	408,060

Note: The 2003 Affordable Gross Cost assumes that fully funded and partially funded projects will be approved.

TABLE 3 OPTION B

2003-2012 CAPITAL BUDGET FINANCING PLAN
TAX SUPPORTED PROGRAM - AFFORDABLE / UNAFFORDABLE
BASED $4.3 MILLION INCREASE IN CAPITAL LEVY ($000)

	2002-2011		2003-2012		
Year	Requested Gross Cost	Affordable Gross Cost	Requested Gross Cost	Affordable Gross Cost	Unaffordable Gross Cost
	$	$	$	$	
Approved 2002	249,527	141,359	249,527	141,359	108,168
2003	207,537	131,594	194,455	146,030	48,425
2004	233,092	136,400	244,242	139,130	105,112
2005	211,206	115,917	214,948	110,327	104,621
2006	179,269	95,104	177,304	102,061	75,243
2007	136,579	72,414	142,020	80,854	61,166
2008	125,395	76,476	134,121	72,122	61,999
2009	116,719	78,761	125,230	79,043	46,187
2010	122,468	93,488	124,064	85,112	38,952
2011	116,182	97,180	105,434	89,445	15,989
2012	-	-	103,379	93,514	9,865
TOTAL	1,697,974	1,038,693	1,565,197	997,638	567,559

Note: The 2003 Affordable Gross Cost assumes that fully funded and partially funded projects will be approved.

Council approved a Capital Block Funding Prioritization Model during the 2002 budget process (FCS02017). Under this model, staff recommends to Council, block funding amounts for TOE, Community Services and Downtown Capital. Internal prioritization criteria for each department (methods include public consultation, committee input, Council feedback, etc.) establishes a list of capital projects recommended for approval within the spending envelope for each department. The City departments excluded from this block-funding model would then use the current City ranking system for their capital projects with funding from the balance of the City's Net Capital Funds for 2003.

In conjunction with the 2003 ***DRAFT*** Capital Plan (Option A) and its limitations with regard to the $149 million affordable gross capital versus the $194 million in gross capital project requests, staff will refer to Council's current Strategic Commitments in order to develop a list of projects recommended for financing and approval. The Strategic Commitments are:

1. Growing our Local Economy (Council's first Priority).
2. A Great City to Live In.
3. Make Investments in our Health, Environment and our Neighbourhoods.
4. A City Where People Come First: Open and Accessible Government.
5. Efficient City Government.
6. Employer of Choice.

Direction to staff from Council is that Growing our Local Economy is Council's first Strategic Commitment priority. How much of a greater priority when compared to the other Strategic Commitments and the relative priorities of the other commitments have not been determined by Council at this present time.

TABLE 4

2003 AFFORDABILITY SUMMARY
($ 000's)

	2002 APPROVED CAPITAL		2003 SUBMITTED	
	GROSS $	NET $	GROSS $	NET $
Proposed Block Funding				
Roads	33,811	32,722	31,019	30,001
Waste Management	8,528	8,348	24,700	20,700
Corporate Buildings & Real Estate	695	695	1,900	1,900
Parks and Recreation	1,650	1,400	4,077	3,429
Storm	9,102	8,673	9,050	8,530
Fleet Services- Vehicle Purchases	15,196	15,196	18,060	15,560
Harbourfront & Downtown Renewal	1,259	1,259	1,217	1,217
Total Block Funding	**70,241**	**68,293**	**90,023**	**81,337**
Special Levies & Boards				
Red Hill Valley	5,287	3,569	16,326	8,578
HECFI Renovations & Replacements	840	840	450	450
Police	11,493	11,493	1,217	1,217
Total Special Levies & Boards	**17,620**	**15,902**	**17,993**	**10,245**
Hamilton Future Fund Projects				
DR - Development Urban Bank	-	-	2,300	2,300
Health & Biotechnology Incubator (McMaster partnership)	-	-	1,000	1,000
Streetscape-Hughson & King William Sts	-	-	4,264	4,264
Waterfront Trail Extension	-	-	800	800
Dieppe Memorial Park	-	-	350	350
Hamilton Scenic Waterfall Program	-	-	500	500
Skateboard Parks	-	-	500	500
Hamilton Heritage Curatorial Centre	-	-	1,500	1,500
2002 Future Fund Provision	7,400	-	-	-
Total Future Fund Projects	**7,400**	**0**	**11,214**	**11,214**
Previously Committed/Legislated Projects				
SuperBuild, & COIP Projects	17,500	5,445	-	-
Replace & Upgrade Printing Equipment			500	500
Ontario with Disabilities Act Audit & Work Plan	-	-	60	60
Desktop Enterprise Licensing (Project initiated in 2001)	1,557	1,557	1,413	1,413
Establish 3-5 year IT Strategy			135	135
Art Gallery Grant	500	500	500	500
Brownfields - ERASE Environmental Study Grants			100	100
Projects required to implement savings				
Extend & Enhance Network Infrastructure			115	115
IT Operations Management Software			280	280
Establish Disaster Recovery System			50	50
Projects funded from Dedicated Reserves and Other			20,364	19,903
Sub-Total			**142,747**	**125,852**
Funding Available for Projects to Be Rated Option A			**6,182**	**6,182**
Funding Available for Projects to Be Rated Option B			**3,283**	**3,283**
Total Affordable Projects Option A	**141,359**	**114,887**	**148,929**	**132,034**
Total Affordable Projects Option B			**146,030**	**129,135**

2003 – 2012 DRAFT TAX SUPPORTED CAPITAL BUDGET OUTLOOK:

OVERVIEW:

This section of the report provides Council with the draft 2003-2012 City of Hamilton tax supported ten-year financing plan. The submitted gross new tax supported capital projects total approximately $1.6 billion for the ten-year period 2003-2012. The City's 10-year financing plan affords only $1.2 billion. This significant amount of unaffordable capital calls for a proactive approach to capital planning that may entail all or some of the following:

- Alternative source of financing & delivery.
- Project deferrals
- Higher taxes

TABLE 5

2003-2012 CAPITAL BUDGET FINANCING PLAN
TAX SUPPORTED PROGRAM - AFFORDABLE / UNAFFORDABLE
($ 000)

						FINANCING SOURCES	
Year	Requested Gross Cost	Affordable Gross Cost	Subsidy/ Other Revenue	Dev't Charges	Reserves	Tax Budget	Debt
	$	$	$	$	$	$	
Approved 2002	249,527	141,359	26,472	4,820	49,039	16,297	44,731
2003	194,455	148,929	30,096	5,648	39,793	19,187	54,205
2004	244,242	142,930	27,487	12,495	32,290	19,898	50,760
2005	214,948	119,027	18,212	2,265	31,417	31,398	35,735
2006	177,304	113,661	14,144	4,388	30,413	39,213	25,503
2007	142,020	95,354	7,034	4,286	29,677	47,951	6,406
2008	134,121	89,522	-	3,387	30,892	55,243	-
2009	125,230	99,343	-	4,759	30,004	64,580	-
2010	124,064	108,312	-	7,269	26,501	74,542	-
2011	105,434	115,545	-	7,226	26,520	81,799	-
2012	103,379	122,514	-	2,333	26,949	93,232	-
TOTAL	1,565,197	1,155,137	96,973	54,056	304,456	527,043	172,609

Of particular importance is the fact that while our proposed 2003-2012 ten-year financing plan is sustainable, total tax supported debt levels peak in 2005 at $408 million (refer Table 6). This is an increase from the 2002-2011 projected Capital financing plan (debt peak of $373 million – 2004) of $35 million due mainly to increased costs and financing strategy regarding the Waste Management Projects, Red Hill Valley Project and Wentworth Lodge.

In summary, Tables 3 – 5 (focusing on Option A – 1.5% general levy increase = $7.2 million), present to Council an expanded Capital Affordability Option. This option takes advantage of low-interest Opportunity Bonds ($46 million in additional Capital Projects over 10 years) and a $2.9 million annual increase in capital projects (over Option B) due to the increased levy dedicated to capital. This results in the City being able to afford $76 million more in capital projects over the 10-year period 2003 – 2012 when compared to the 2002 Financing Plan. (Table 3 – Option A shows $119 million more in affordable projects over the prior years. The difference is due to the fully funded CommonWealth Games provision of $42 million over 6 years, 2004 - 2009).

Adopting Option A would add valuable capital capacity which is forecast to be constrained in the period 2007 – 2011 (refer Table 5 – Affordable Projects) due to the onset of major projects and the existing Council approved financing guideline of achieving Pay-as-You-Go on new Capital projects by the year 2007.

TABLE 6

2002 - 2012 TAX SUPPORTED DEBT
OUTSTANDING DEBT PROJECTIONS
($ MILLIONS)

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
2003 - 2012 TAX SUPPORTED CAPITAL FORECAST											
Regular Programs	204.1	279.0	298.3	284.8	267.5	243.5	219.1	193.9	169.9	144.6	121.0
Waste Management Master Plan		20.2	30.0	34.8	37.0	34.6	32.0	29.4	26.7	23.8	20.9
Red Hill Valley Project	47.8	55.8	73.7	88.1	96.7	96.5	89.4	82.0	74.2	66.1	57.5
Total	251.9	354.9	402.0	407.7	401.2	374.6	340.6	305.4	270.8	234.5	199.4
2002 - 2011 TAX SUPPORTED CAPITAL FORECAST											
Regular Programs	237.6	270.9	298.2	286.9	269.4	240.7	211.1	182.9	157.4	139.2	
Red Hill Valley Project	46.2	59.5	74.6	84.9	89.4	83.8	77.8	71.5	64.7	57.4	
Total	283.8	330.4	372.8	371.8	358.8	324.5	288.9	254.4	222.1	196.6	

TABLE 7

2002 - 2012 TAX SUPPORTED DEBT CHARGES
PROJECTED DEBT CHARGES
($ MILLIONS)

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
2003 - 2012 TAX SUPPORTED CAPITAL FORECAST											
Regular Programs		43.6	47.4	41.8	39.2	36.5	36.1	34.0	31.3	31.2	27.3
Waste Management Master Plan		0.9	2.4	3.2	3.7	3.9	3.9	3.9	3.9	3.9	3.9
Red Hill Valley Project		5.0	6.2	6.9	8.4	9.4	9.7	9.7	9.7	9.7	9.4
Total		49.5	56.0	51.9	51.3	49.8	49.7	47.6	44.9	44.8	40.6
2002 - 2011 TAX SUPPORTED CAPITAL FORECAST											
Regular Programs	41.4	44.5	47.2	42.2	43.3	37.4	37.1	36.6	34.4	34.3	
Red Hill Valley Project	4.3	5.4	6.7	7.7	9.0	9.6	9.6	9.6	9.6	9.6	
Total	45.7	49.9	53.9	49.9	52.3	47.0	46.7	46.2	44.0	43.9	

MAJOR CAPITAL INITIATIVES

REDHILL VALLEY PROJECT

The budgeted cost of the Red Hill Valley Project has increased by $14.8 million since the City's 2002 approved budget. The following cost components have increased:

1. $4.5 million - Legal Fees.
2. $4.5 million - Rennie Street landfill Remediation (No SuperBuild).
3. $3.3 million – Inflationary costs due to delays.
4. $2.5 million – Additional works associated with recreational impact mitigation.

Expenditures (actual plus commitments) as at October 31, 2002 are $263.7 million. The City still has left to issue $71.4 million in long-term debt for this project.

The remaining works, expected to take place in 2003 – 2007, is in respect of constructing the north/south section and related QEW interchange.

TABLE 8

RED HILL VALLEY PROJECT FORECAST
(000's)

		Prior	2003	2004	2005	2006	2007	Total
2002 Capital Budget (Gross)		260,390	35,000	40,000	30,000	19,372	-	384,762
2003 Capital Budget (Gross)		263,690	16,326	43,706	36,269	27,379	12,191	399,561
2003 Capital Budget (Net)		109,355	8,578	22,964	19,056	14,386	6,405	180,744
			TOTAL 2003 - 2007 DEBT $71,389					
Debt Charges		4,338	5,013	6,215	6,926	8,439	9,384	
Cumulative Residential Tax Impact per Household	**$**	**$32**	**$37**	**$46**	**$51**	**$62**	**$69**	
	%	**1.5%**	**1.8%**	**2.2%**	**2.4%**	**3.0%**	**3.3%**	

TRANSPORTATION, OPERATIONS AND ENVIRONMENT:

Waste Management Capital Forecast 2003 - 2012

The City of Hamilton's waste management's forecast capital requirements have increased dramatically due to the following issues:

- An acceleration of the City's waste diversion program & related Master Plan Initiatives (i.e. State–of-the-art Material Recycling Facility (MRF)).
- The optimization of the Glanbrook Landfill facility.

Table 8 summarizes the capital requirements for the City's waste management system over the next 10 years ($148 million). What is not included in Table 8 are the capital implications as they relate to the City's SWARU incinerator and resulting landfill implications. The costs are unknown at this time.

TABLE 9

WASTE MANAGEMENT MASTER PLAN
DEBT REQUIREMENTS & DEBT CHARGE FORECAST
($000's)

		2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Total
Regular		9,200	7,553	7,490	3,240	5,940	740	690	690	690	690	36,923
Waste Management Master Plan		15,500	15,500	18,440	25,000	22,000	15,000	-	-	-	-	111,440
Total Capital Submissions		24,700	23,053	25,930	28,240	27,940	15,740	690	690	690	690	148,363
Funded From Contribution/Other Revenues		4,000	4,000	3,000	3,000	3,000	3,000	690	690	690	690	22,760
Debt Issue Required		20,700	19,053	22,930	25,240	24,940	12,740	-	-	-	-	125,603
Debt Charges		931	2,719	4,607	6,773	9,029	10,724	11,297	11,297	11,297	11,297	79,970
Residential Tax Impact per Houshold	$	$7	$20	$34	$50	$66	$79	$83	$83	$83	$83	
	%	0.3%	1.0%	1.6%	2.4%	3.2%	3.8%	4.0%	4.0%	4.0%	4.0%	

It is very important to note that only about $40 million of the required $125 million in new debt for Waste Management can be accommodated in the capital financing plan. Accordingly, to implement the City's new Waste Management strategies will require tax increases and/or alternative service delivery for providing / constructing new facilities.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

All City departments and agencies were consulted in the preparation of this report:

CITY STRATEGIC COMMITMENT:

7. Growing our Local Economy (Council's first Priority).
8. A Great City to Live In.
9. Make Investments in our Health, Environment and our Neighbourhoods.
10. A City Where People Come First: Open and Accessible Government.
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